

Senate File 452

H-1404

1 Amend Senate File 452, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <DIVISION I

6 STANDING APPROPRIATIONS AND RELATED MATTERS

7 Section 1. BUDGET PROCESS FOR FISCAL YEAR  
8 2014-2015.

9 1. For the budget process applicable to the fiscal  
10 year beginning July 1, 2014, on or before October 1,  
11 2013, in lieu of the information specified in section  
12 8.23, subsection 1, unnumbered paragraph 1, and  
13 paragraph "a", all departments and establishments of  
14 the government shall transmit to the director of the  
15 department of management, on blanks to be furnished  
16 by the director, estimates of their expenditure  
17 requirements, including every proposed expenditure, for  
18 the ensuing fiscal year, together with supporting data  
19 and explanations as called for by the director of the  
20 department of management after consultation with the  
21 legislative services agency.

22 2. The estimates of expenditure requirements  
23 shall be in a form specified by the director of  
24 the department of management, and the expenditure  
25 requirements shall include all proposed expenditures  
26 and shall be prioritized by program or the results to  
27 be achieved. The estimates shall be accompanied by  
28 performance measures for evaluating the effectiveness  
29 of the programs or results.

30 Sec. 2. GENERAL ASSEMBLY.

31 1. The appropriations made pursuant to section  
32 2.12 for the expenses of the general assembly and  
33 legislative agencies for the fiscal year beginning July  
34 1, 2013, and ending June 30, 2014, are reduced by the  
35 following amount:

36 ..... \$ 3,000,000

37 2. The budgeted amounts for the general assembly  
38 for the fiscal year beginning July 1, 2013, may be  
39 adjusted to reflect unexpended budgeted amounts from  
40 the previous fiscal year.

41 Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS

42 — FY 2013-2014. Notwithstanding the standing  
43 appropriations in the following designated sections for  
44 the fiscal year beginning July 1, 2013, and ending June  
45 30, 2014, the amounts appropriated from the general  
46 fund of the state pursuant to these sections for the  
47 following designated purposes shall not exceed the  
48 following amounts:

49 1. For paying claims against the state under  
50 section 25.2:

1 ..... \$ 3,000,000  
2 2. For operational support grants and community  
3 cultural grants under section 99F.11, subsection 3,  
4 paragraph "d", subparagraph (1):  
5 ..... \$ 416,702  
6 3. For regional tourism marketing under section  
7 99F.11, subsection 3, paragraph "d", subparagraph (2):  
8 ..... \$ 810,306  
9 4. For programs for at-risk children under section  
10 279.51:  
11 ..... \$ 10,728,891  
12 The amount of any reduction in this subsection shall  
13 be prorated among the programs specified in section  
14 279.51, subsection 1, paragraphs "a", "b", and "c".  
15 5. For payment for nonpublic school transportation  
16 under section 285.2:  
17 ..... \$ 8,560,931  
18 If total approved claims for reimbursement for  
19 nonpublic school pupil transportation exceed the amount  
20 appropriated in accordance with this subsection, the  
21 department of education shall prorate the amount of  
22 each approved claim.  
23 6. For the enforcement of chapter 453D relating to  
24 tobacco product manufacturers under section 453D.8:  
25 ..... \$ 18,416  
26 Sec. 4. LIMITATIONS OF STANDING APPROPRIATIONS  
27 — FY 2014-2015. Notwithstanding the standing  
28 appropriations in the following designated sections for  
29 the fiscal year beginning July 1, 2014, and ending June  
30 30, 2015, the amounts appropriated from the general  
31 fund of the state pursuant to these sections for the  
32 following designated purposes shall not exceed the  
33 following amounts:  
34 1. For operational support grants and community  
35 cultural grants under section 99F.11, subsection 3,  
36 paragraph "d", subparagraph (1):  
37 ..... \$ 208,351  
38 2. For regional tourism marketing under section  
39 99F.11, subsection 3, paragraph "d", subparagraph (2):  
40 ..... \$ 405,153  
41 3. For programs for at-risk children under section  
42 279.51:  
43 ..... \$ 5,364,445  
44 The amount of any reduction in this subsection shall  
45 be prorated among the programs specified in section  
46 279.51, subsection 1, paragraphs "a", "b", and "c".  
47 4. For payment for nonpublic school transportation  
48 under section 285.2:  
49 ..... \$ 8,560,931  
50 If total approved claims for reimbursement for

1 nonpublic school pupil transportation exceed the amount  
2 appropriated in accordance with this subsection, the  
3 department of education shall prorate the amount of  
4 each approved claim.

5 5. For the enforcement of chapter 453D relating to  
6 tobacco product manufacturers under section 453D.8:  
7 ..... \$ 9,208

8 Sec. 5. INSTRUCTIONAL SUPPORT STATE AID —  
9 FY 2013-2014 — FY 2014-2015. In lieu of the  
10 appropriation provided in section 257.20, subsection 2,  
11 the appropriation for the fiscal years beginning July  
12 1, 2013, and July 1, 2014, for paying instructional  
13 support state aid under section 257.20 for fiscal years  
14 2013-2014 and 2014-2015 is zero.

15 Sec. 6. Section 97A.11A, subsection 1, Code 2013,  
16 is amended to read as follows:

17 1. Beginning with the fiscal year commencing July  
18 1, ~~2013~~ 2015, and ending June 30 of the fiscal year  
19 during which the board determines that the system's  
20 funded ratio of assets to liabilities is at least  
21 eighty-five percent, there is appropriated from the  
22 general fund of the state for each fiscal year to the  
23 retirement fund described in section 97A.8, an amount  
24 equal to five million dollars.

25 Sec. 7. Section 257.35, Code 2013, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 7A. Notwithstanding subsection 1,  
28 and in addition to the reduction applicable pursuant  
29 to subsection 2, the state aid for area education  
30 agencies and the portion of the combined district cost  
31 calculated for these agencies for the fiscal year  
32 beginning July 1, 2013, and ending June 30, 2014, shall  
33 be reduced by the department of management by twenty  
34 million dollars. The reduction for each area education  
35 agency shall be prorated based on the reduction that  
36 the agency received in the fiscal year beginning July  
37 1, 2003.

38 DIVISION II

39 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

40 Sec. 8. INDIVIDUAL DEVELOPMENT ACCOUNT  
41 PROGRAM. There is appropriated from the general fund  
42 of the state to the department of human rights for the  
43 fiscal year beginning July 1, 2013, and ending June 30,  
44 2014, the following amounts, or so much thereof as is  
45 necessary, for the purposes designated:

46 For deposit in the individual development account  
47 state match fund created in section 541A.7 to support  
48 the operating organization providing individual  
49 development accounts in Iowa:  
50 ..... \$ 50,000

1       Sec. 9. HOUSE FILE 603 — FTE AUTHORIZATION.

2       1. For purposes of the offices of the governor and  
3 lieutenant governor, there is authorized an additional  
4 3.00 full-time equivalent positions above those  
5 otherwise authorized pursuant to 2013 Iowa Acts, House  
6 File 603, if enacted.

7       2. For purposes of the department of management,  
8 there is authorized an additional 1.00 full-time  
9 equivalent position above those otherwise authorized  
10 pursuant to 2013 Iowa Acts, House File 603, if enacted.

11       Sec. 10. HOME AND COMMUNITY-BASED SERVICES  
12 PROVIDERS — REASONABLE COSTS OF STAFF TRAINING —  
13 REIMBURSEMENT AS DIRECT COSTS. The department of  
14 human services shall adopt rules pursuant to chapter  
15 17A to provide that reasonable costs of staff training  
16 incurred by providers of home and community-based  
17 services under the medical assistance program are  
18 reimbursable as direct costs. Such reimbursement  
19 shall include reimbursement of the reasonable costs  
20 associated with the learning management system utilized  
21 under the college of direct support training program.

22       Sec. 11. Section 144.26, Code 2013, is amended by  
23 adding the following new subsection:

24       NEW SUBSECTION. 5. Upon the activation of an  
25 electronic death record system, each person with a  
26 duty related to death certificates shall participate  
27 in the electronic death record system. A person with  
28 a duty related to a death certificate includes but  
29 is not limited to a physician as defined in section  
30 135.1, a physician assistant, an advanced registered  
31 nurse practitioner, a funeral director, and a county  
32 recorder.

33       Sec. 12. Section 155A.32, subsection 2, Code 2013,  
34 is amended to read as follows:

35       2. The pharmacist shall not exercise the drug  
36 product selection described in this section if either  
37 any of the following is true:

38       a. The prescriber specifically indicates that no  
39 drug product selection shall be made.

40       b. The person presenting the prescription indicates  
41 that only the specific drug product prescribed should  
42 be dispensed. However, this paragraph does not apply  
43 if the cost of the prescription or any part of it will  
44 be paid by expenditure of public funds authorized under  
45 chapter 249A.

46       c. The prescriber indicates that a specific drug  
47 product should be dispensed and a diagnosis of epilepsy  
48 or seizure disorder is written on the prescription.  
49 For the purposes of this paragraph, a "specific drug  
50 product" means a specific drug, strength, dosage form,

1 or dosing regimen from a specific manufacturer.

2 Sec. 13. Section 155A.32, Code 2013, is amended by  
3 adding the following new subsection:

4 NEW SUBSECTION. 4. If drug product selection is  
5 prohibited pursuant to subsection 2, paragraph "c",  
6 but the specific drug indicated is not available, the  
7 pharmacist shall notify the patient and the prescriber  
8 that the drug is not available. The board shall  
9 adopt rules regarding notification of the patient and  
10 prescriber under this subsection.

11 Sec. 14. Section 261.12, subsection 1, Code 2013,  
12 is amended to read as follows:

13 1. The amount of a tuition grant to a qualified  
14 full-time student for the fall and spring semesters, or  
15 the trimester equivalent, shall be the amount of the  
16 student's financial need for that period. However, a  
17 tuition grant shall not exceed the ~~lesser of:~~

18 ~~a. The total tuition and mandatory fees for that~~  
19 ~~student for two semesters or the trimester or quarter~~  
20 ~~equivalent, less the base amount determined annually~~  
21 ~~by the college student aid commission, which base~~  
22 ~~amount shall be within ten dollars of the average~~  
23 ~~tuition for two semesters or the trimester equivalent~~  
24 ~~of undergraduate study at the state universities under~~  
25 ~~the board of regents, but in any event the base amount~~  
26 ~~shall not be less than four hundred dollars; or~~

27 ~~b. For the fiscal year beginning July 1, 2000, and~~  
28 ~~for each following fiscal year, four thousand dollars.~~

29 Sec. 15. Section 261.93, subsection 2, paragraph  
30 b, subparagraph (4), Code 2013, is amended to read as  
31 follows:

32 (4) Is the child of a fire fighter or police  
33 officer included under section 97B.49B, who was killed  
34 in the line of duty as determined by the Iowa public  
35 employees' retirement system in accordance with section  
36 97B.52, subsection 2.

37 Sec. 16. Section 523A.303, subsection 1, paragraph  
38 b, unnumbered paragraph 1, Code 2013, is amended to  
39 read as follows:

40 At least sixty days after mailing notice to the  
41 director, the seller shall disburse any ~~remaining~~  
42 ~~funds~~ amount in excess of five hundred dollars from the  
43 burial trust fund as follows:

44 DIVISION III  
45 CORRECTIVE PROVISIONS

46 Sec. 17. Section 2.12, unnumbered paragraph 4, Code  
47 2013, as amended by 2013 Iowa Acts, House File 185,  
48 section 1, is amended to read as follows:

49 There is appropriated out of any funds in the state  
50 treasury not otherwise appropriated such sums as

1 may be necessary for the fiscal year budgets of the  
2 legislative services agency and the ombudsman office  
3 of ombudsman for salaries, support, maintenance, and  
4 miscellaneous purposes to carry out their statutory  
5 responsibilities. The legislative services agency  
6 and the ombudsman office of ombudsman shall submit  
7 their proposed budgets to the legislative council not  
8 later than September 1 of each year. The legislative  
9 council shall review and approve the proposed budgets  
10 not later than December 1 of each year. The budget  
11 approved by the legislative council for each of its  
12 statutory legislative agencies shall be transmitted by  
13 the legislative council to the department of management  
14 on or before December 1 of each year for the fiscal  
15 year beginning July 1 of the following year. The  
16 department of management shall submit the approved  
17 budgets received from the legislative council to the  
18 governor for inclusion in the governor's proposed  
19 budget for the succeeding fiscal year. The approved  
20 budgets shall also be submitted to the chairpersons of  
21 the committees on appropriations. The committees on  
22 appropriations may allocate from the funds appropriated  
23 by this section the funds contained in the approved  
24 budgets, or such other amounts as specified, pursuant  
25 to a concurrent resolution to be approved by both  
26 houses of the general assembly. The director of  
27 the department of administrative services shall  
28 issue warrants for salaries, support, maintenance,  
29 and miscellaneous purposes upon requisition by the  
30 administrative head of each statutory legislative  
31 agency. If the legislative council elects to change  
32 the approved budget for a legislative agency prior to  
33 July 1, the legislative council shall transmit the  
34 amount of the budget revision to the department of  
35 management prior to July 1 of the fiscal year, however,  
36 if the general assembly approved the budget it cannot  
37 be changed except pursuant to a concurrent resolution  
38 approved by the general assembly.

39 Sec. 18. Section 2.42, subsection 14, Code 2013, as  
40 amended by 2013 Iowa Acts, House File 185, section 2,  
41 is amended to read as follows:

42 14. To hear and act upon appeals of aggrieved  
43 employees of the legislative services agency and the  
44 office of the ombudsman pursuant to rules of procedure  
45 established by the council.

46 Sec. 19. Section 2C.3, subsection 2, Code 2013, as  
47 enacted by 2013 Iowa Acts, House File 185, section 4,  
48 is amended to read as follows:

49 2. The ombudsman shall employ and supervise all  
50 employees under the ombudsman's direction in such

1 positions and at such salaries as shall be authorized  
2 by the legislative council. The legislative council  
3 shall hear and act upon appeals of aggrieved employees  
4 of the office of the ombudsman.

5 Sec. 20. Section 2C.9, subsection 6, Code 2013, as  
6 amended by 2013 Iowa Acts, House File 185, section 10,  
7 is amended to read as follows:

8 6. Establish rules relating to the operation,  
9 organization, and procedure of the office of the  
10 ombudsman. The rules are exempt from chapter 17A and  
11 shall be published in the Iowa administrative code.

12 Sec. 21. Section 2C.11, subsection 1, unnumbered  
13 paragraph 1, Code 2013, as amended by 2013 Iowa Acts,  
14 House File 185, section 12, is amended to read as  
15 follows:

16 An appropriate subject for investigation by the  
17 office of the ombudsman is an administrative action  
18 that might be:

19 Sec. 22. Section 2C.18, Code 2013, as amended by  
20 2013 Iowa Acts, House File 185, section 20, is amended  
21 to read as follows:

22 **2C.18 Report to general assembly.**

23 The ombudsman shall by April 1 of each year submit  
24 an economically designed and reproduced report to  
25 the general assembly and to the governor concerning  
26 the exercise of the ~~ombudsman~~ ombudsman's functions  
27 during the preceding calendar year. In discussing  
28 matters with which the ombudsman has been concerned,  
29 the ombudsman shall not identify specific persons if  
30 to do so would cause needless hardship. If the annual  
31 report criticizes a named agency or official, it shall  
32 also include unedited replies made by the agency or  
33 official to the criticism, unless excused by the agency  
34 or official affected.

35 Sec. 23. Section 8B.21, subsection 5, paragraph e,  
36 if enacted by 2013 Iowa Acts, Senate File 396, section  
37 3, is amended to read as follows:

38 e. The department of public defense shall not be  
39 required to obtain any information technology services  
40 pursuant to this chapter for the department of public  
41 defense that ~~is~~ are provided by the office pursuant  
42 to this chapter without the consent of the adjutant  
43 general.

44 Sec. 24. Section 23A.4, subsection 3, Code 2013, as  
45 enacted by 2013 Iowa Acts, House File 185, section 27,  
46 is amended to read as follows:

47 3. Chapter 17A and this section are the exclusive  
48 remedy for violations of this chapter. However, the  
49 office of the ombudsman may review violations of this  
50 chapter and make recommendations as provided in chapter

1 2C.

2 Sec. 25. Section 29.1, Code 2013, as amended by  
3 2013 Iowa Acts, House File 307, section 9, is amended  
4 to read as follows:

5 **29.1 Department of public defense.**

6 The department of public defense is composed of the  
7 office of the adjutant general and the military forces  
8 of the state of Iowa. The adjutant general is the  
9 director of the department of public defense and shall  
10 perform all functions, responsibilities, powers, and  
11 duties ~~over~~ concerning the military forces of the state  
12 of Iowa as provided in the laws of the state.

13 Sec. 26. Section 35A.13, subsection 6A, paragraph  
14 b, subparagraph (1), if enacted by 2013 Iowa Acts,  
15 House File 613, section 2, is amended to read as  
16 follows:

17 (1) The commission may provide educational  
18 assistance funds to any child who has lived in the  
19 state of Iowa for two years preceding application for  
20 state educational assistance, and who is the child  
21 of a person who died prior to September 11, 2001,  
22 during active federal military service while serving  
23 in the armed forces or during active federal military  
24 service in the Iowa national guard or other military  
25 component of the United States, to defray the expenses  
26 of tuition, matriculation, laboratory and similar  
27 fees, books and supplies, board, lodging, and any  
28 other reasonably necessary expense for the child or  
29 children incident to attendance in this state at an  
30 educational or training institution of college grade,  
31 or in a business or vocational training school with  
32 standards approved by the department. The commission  
33 shall not expend more than six hundred dollars per year  
34 for educational assistance for any one child under this  
35 paragraph "b".

36 Sec. 27. Section 70A.28, subsection 6, Code 2013,  
37 as amended by 2013 Iowa Acts, House File 185, section  
38 28, is amended to read as follows:

39 6. Subsection 2 may also be enforced by an employee  
40 through an administrative action pursuant to the  
41 requirements of this subsection if the employee is not  
42 a merit system employee or an employee covered by a  
43 collective bargaining agreement. An employee eligible  
44 to pursue an administrative action pursuant to this  
45 subsection who is discharged, suspended, demoted, or  
46 otherwise receives a reduction in pay and who believes  
47 the adverse employment action was taken as a result  
48 of the employee's disclosure of information that  
49 was authorized pursuant to subsection 2, may file an  
50 appeal of the adverse employment action with the public

1 employment relations board within thirty calendar days  
2 following the later of the effective date of the action  
3 or the date a finding is issued to the employee by the  
4 office of the ombudsman pursuant to section 2C.11A.  
5 The findings issued by the ombudsman may be introduced  
6 as evidence before the public employment relations  
7 board. The employee has the right to a hearing closed  
8 to the public, but may request a public hearing. The  
9 hearing shall otherwise be conducted in accordance with  
10 the rules of the public employment relations board and  
11 the Iowa administrative procedure Act, chapter 17A. If  
12 the public employment relations board finds that the  
13 action taken in regard to the employee was in violation  
14 of subsection 2, the employee may be reinstated without  
15 loss of pay or benefits for the elapsed period, or  
16 the public employment relations board may provide  
17 other appropriate remedies. Decisions by the public  
18 employment relations board constitute final agency  
19 action.

20 Sec. 28. Section 105.10, subsection 3, Code 2013,  
21 as amended by 2013 Iowa Acts, Senate File 427, section  
22 10, is amended to read as follows:

23 3. An individual holding a master mechanical  
24 license shall not be required to get an  
25 HVAC-refrigeration, sheet metal, or hydronic license in  
26 order to design, install, or repair the work defined  
27 in this chapter as mechanical, HVAC-refrigeration,  
28 sheet metal, or hydronic work. An individual holding  
29 a ~~journey~~ journeyperson mechanical license shall  
30 not be required to get an HVAC-refrigeration, sheet  
31 metal, or hydronic license in order to install and  
32 repair the work defined in this chapter as mechanical,  
33 HVAC-refrigeration, sheet metal, or hydronic work. An  
34 individual holding a master or ~~journey~~ journeyperson  
35 mechanical license shall also not be required to obtain  
36 a special, restricted license that is designated as a  
37 sublicense of the mechanical, HVAC-refrigeration, sheet  
38 metal, or hydronic licenses.

39 Sec. 29. Section 105.32, as enacted by 2013 Iowa  
40 Acts, Senate File 427, section 32, Code 2013, is  
41 amended to read as follows:

42 **105.32 Transition provisions.**

43 A licensee whose license expires between June 30,  
44 2014, and July 1, 2017, may voluntarily renew ~~their~~  
45 the license early so they may have the license has an  
46 expiration date of June 30, 2017. This voluntary early  
47 renewal may happen at any time on or after July 1,  
48 2014. The department shall promulgate rules that allow  
49 for this one-time early renewal process, including fees  
50 and continuing education requirements.

1     Sec. 30. Section 126.11, subsection 3, paragraph  
2 b, Code 2013, as amended by 2013 Iowa Acts, House File  
3 417, section 26, is amended to read as follows:

4     b. A drug dispensed by filling or refilling a  
5 written, electronic, facsimile, or oral prescription  
6 of a practitioner licensed by law to administer the  
7 drug is exempt from section 126.10, except section  
8 126.10, subsection 1, paragraph "a", section 126.10,  
9 subsection 1, paragraph "i", subparagraphs (2) and (3),  
10 and section 126.10, subsection 1, paragraphs "k" and  
11 "l", and the packaging requirements of section 126.10,  
12 subsection 1, paragraphs "g", "h", and "p", if the  
13 drug bears a label containing the name and address of  
14 the dispenser, the date of the prescription or of its  
15 filling, the name of the prescriber, and, if stated  
16 in the prescription, the name of the patient, and the  
17 directions for use and cautionary statements, if any,  
18 contained in the prescription. This exemption does  
19 not apply to a drug dispensed in the course of the  
20 conduct of the business of dispensing drugs pursuant to  
21 diagnosis by mail, or to a drug dispensed in violation  
22 of paragraph "a" of this subsection.

23     Sec. 31. Section 249A.43, subsection 3, as enacted  
24 by 2013 Iowa Acts, Senate File 357, section 7, is  
25 amended to read as follows:

26     3. An affidavit of service of a notice of entry  
27 of judgment shall be made by first class mail at the  
28 address where the debtor was served with the notice  
29 of overpayment. Service is completed upon mailing as  
30 specified in this ~~paragraph~~ subsection.

31     Sec. 32. Section 252D.17, subsection 1, paragraph  
32 m, as enacted by 2013 Iowa Acts, House File 417,  
33 section 55, Code 2013, is amended to read as follows:

34     ~~m.~~ 2. The department shall establish criteria and  
35 a phased-in schedule to require, no later than June  
36 30, 2015, payors of income to electronically transmit  
37 the amounts withheld under an income withholding  
38 order. The department shall assist payors of income in  
39 complying with the required electronic transmission,  
40 and shall adopt rules setting forth procedures  
41 for use in electronic transmission of funds, and  
42 exemption from use of electronic transmission taking  
43 into consideration any undue hardship electronic  
44 transmission creates for payors of income.

45     Sec. 33. Section 263B.3, Code 2013, as amended by  
46 2013 Iowa Acts, House File 417, section 63, is amended  
47 to read as follows:

48     **263B.3 Agreements with federal departments.**

49     The state archaeologist is authorized to enter into  
50 agreements and cooperative efforts with the federal

1 highway administrator, the United States departments  
2 of commerce, interior, agriculture, and defense,  
3 and any other federal or state agencies concerned  
4 with archaeological salvage or the preservation of  
5 antiquities.

6 Sec. 34. Section 321.463, subsection 12A,  
7 paragraphs a and c, as enacted by 2013 Iowa Acts, House  
8 File 14, section 1, are amended to read as follows:

9 a. A person operating a vehicle or combination of  
10 vehicles equipped with a retractable axle may raise the  
11 axle when necessary to negotiate a turn, provided that  
12 the retractable axle is lowered within one thousand  
13 feet following completion of the turn. This paragraph  
14 does not apply to a vehicle or combination of vehicles  
15 operated on an interstate highway, including a ramp to  
16 or from an interstate highway, or on a bridge.

17 c. This subsection does not prohibit the operation  
18 of a vehicle or combination of vehicles equipped with  
19 a retractable axle ~~from operating~~ with the retractable  
20 axle raised when the vehicle or combination of vehicles  
21 is in compliance with the weight limitations of this  
22 section with the retractable axle raised.

23 Sec. 35. Section 321E.9A, subsection 1, Code 2013,  
24 as amended by 2013 Iowa Acts, Senate File 355, section  
25 7, is amended to read as follows:

26 1. Vehicles with indivisible loads having an  
27 overall length not to exceed one hundred twenty feet,  
28 an overall width not to exceed sixteen feet, and a  
29 height not to exceed fifteen feet five inches may  
30 be moved on highways specified by the ~~permitting~~  
31 permit-issuing authority, provided the gross weight on  
32 any one axle shall not exceed the maximum prescribed  
33 in section 321.463 and the total gross weight is not  
34 greater than one hundred fifty-six thousand pounds.

35 Sec. 36. Section 327F.39, subsection 6, paragraph  
36 b, if enacted by 2013 Iowa Acts, Senate File 340,  
37 section 4, is amended to read as follows:

38 b. A violation of subsection 4A or rules adopted  
39 pursuant to subsection 4A by a railroad worker  
40 transportation company or a railroad ~~corporation~~  
41 company is punishable as a schedule "one" penalty under  
42 section 327C.5.

43 Sec. 37. Section 418.5, subsection 1, Code 2013, as  
44 amended by 2013 Iowa Acts, House File 307, section 51,  
45 is amended to read as follows:

46 1. The flood mitigation board is established  
47 consisting of nine voting members and four ex officio,  
48 nonvoting members, and is located for administrative  
49 purposes within the ~~division~~ department. The director  
50 of the department shall provide office space, staff

1 assistance, and necessary supplies and equipment for  
2 the board. The director shall budget funds to pay the  
3 necessary expenses of the board. In performing its  
4 functions, the board is performing a public function  
5 on behalf of the state and is a public instrumentality  
6 of the state.

7 Sec. 38. Section 426A.11, subsection 1, Code 2013,  
8 as amended by 2013 Iowa Acts, House File 417, section  
9 97, is amended to read as follows:

10 1. The property, not to exceed two thousand seven  
11 hundred seventy-eight dollars in taxable value of any  
12 veteran, as defined in section 35.1, of the World War  
13 I.

14 Sec. 39. Section 455B.275, subsection 3A,  
15 paragraphs a and b, if enacted by 2013 Iowa Acts, House  
16 File 541, section 1, are amended to read as follows:

17 a. The person reconstructing the dam is only  
18 required to possess the flooding easements or ownership  
19 which ~~were~~ was held prior to the reconstruction as long  
20 as the former normal pool elevation is not exceeded and  
21 the spillway capacity is increased by at least fifty  
22 percent.

23 b. Flooding easements or ownership ~~are~~ is only  
24 required to the top of the reconstructed spillway  
25 elevation.

26 Sec. 40. Section 490.863, subsection 3, paragraph  
27 a, as enacted by 2013 Iowa Acts, House File 469,  
28 section 43, is amended to read as follows:

29 a. "Holder" means and "held by" refers to shares  
30 held by both a record shareholder, as defined in  
31 section 490.1301, subsection 7, and a beneficial  
32 shareholder, as defined in section 490.1301, subsection  
33 2.

34 Sec. 41. Section 490.1302, subsection 2, paragraph  
35 d, Code 2013, as amended by 2013 Iowa Acts, House File  
36 469, section 53, is amended to read as follows:

37 d. Paragraph "a", shall not be applicable and  
38 appraisal rights shall be available pursuant to  
39 subsection 1 for the holders of any class or series  
40 of shares where the corporate action is an interested  
41 transaction.

42 Sec. 42. Section 522.6, subsection 2, if enacted by  
43 2013 Iowa Acts, Senate File 189, section 6, is amended  
44 to read as follows:

45 2. If an insurer qualifies for exemption from the  
46 requirements of this chapter pursuant to paragraph "a"  
47 of subsection 1, but the insurance group of which the  
48 insurer is a member does not qualify for exemption  
49 pursuant to paragraph "b" of subsection 1, then the  
50 own risk and solvency assessment summary report that

1 is required pursuant to section ~~521H.5~~ 522.5 shall  
2 include information concerning every insurer in the  
3 insurance group. This requirement may be satisfied by  
4 the submission of more than one summary report for any  
5 combination of insurers in the insurance group provided  
6 that the combination of reports submitted includes  
7 every insurer in the insurance group.

8 Sec. 43. Section 533.405, subsection 4A, paragraph  
9 b, subparagraphs (1) and (2), as enacted by 2013 Iowa  
10 Acts, Senate File 183, section 8, are amended to read  
11 as follows:

12 (1) State credit unions with assets in excess of \$5  
13 five million dollars as of the month ending immediately  
14 prior to the date of the conclusion of the vote by the  
15 membership approving the dissolution shall publish  
16 the notice once a week for two successive weeks in a  
17 newspaper of general circulation in each county in  
18 which the state credit union maintains an office or  
19 branch for the transaction of business.

20 (2) State credit unions with assets of \$5 five  
21 million dollars or less as of the month ending  
22 immediately prior to the date of the conclusion of  
23 the vote by the membership approving the dissolution  
24 shall publish the notice once in a newspaper of general  
25 circulation in each county in which the state credit  
26 union maintains an office or branch.

27 Sec. 44. Section 543C.2, subsection 1, paragraph j,  
28 if enacted by 2013 Iowa Acts, House File 556, section  
29 167, is amended to read as follows:

30 *j.* The subdivider, if a corporation, must register  
31 to do business in the state of Iowa as a foreign  
32 corporation with the secretary of state and furnish a  
33 copy of the certificate of authority to do business  
34 in the state of Iowa. If not a corporation, the  
35 subdivider must comply with the provisions of chapter  
36 547, by filing a proper trade name with the Polk  
37 county recorder. The provisions of this ~~subsection~~  
38 paragraph shall also apply to any person, partnership,  
39 firm, company, corporation, or association, other than  
40 the subdivider, which is engaged by or through the  
41 subdivider for the purpose of advertising or selling  
42 the land involved in the filing.

43 Sec. 45. Section 556.2, subsection 5, paragraph a,  
44 unnumbered paragraph 1, as enacted by 2013 Iowa Acts,  
45 House File 417, section 174, is amended to read as  
46 follows:

47 A banking organization or financial organization  
48 shall send to the owner of each account, to which none  
49 of the actions specified in subsection ~~2~~ 1, paragraphs  
50 "a" through "e" or subsection 2, paragraphs "a" through

1 "e" have occurred during the preceding three calendar  
2 years, a notice by certified mail stating in substance  
3 the following:

4 Sec. 46. Section 716.7, subsection 1, as amended  
5 by 2013 Iowa Acts, House File 556, section 234, if  
6 enacted, is amended to read as follows:

7 1. For purposes of this section:

8 a. "Property" shall include any land, dwelling,  
9 building, conveyance, vehicle, or other temporary or  
10 permanent structure whether publicly or privately  
11 owned.

12 b. "Public utility" is a public utility as defined  
13 in section 476.1 or an electric transmission line as  
14 provided in chapter 478.

15 ~~b. c.~~ "Public utility property" means any land,  
16 dwelling, building, conveyance, vehicle, or other  
17 temporary or permanent structure owned, leased, or  
18 operated by a public utility and that is completely  
19 enclosed by a physical barrier of any kind. ~~For~~  
20 ~~the purposes of this section, a "public utility" is~~  
21 ~~a public utility as defined in section 476.1 or an~~  
22 ~~electric transmission line as provided in chapter 478.~~

23 ~~e. d.~~ "Railway corporation" means a corporation,  
24 company, or person owning, leasing, or operating any  
25 railroad in whole or in part within this state.

26 ~~d. e.~~ "Railway property" means all tangible real  
27 and personal property owned, leased, or operated  
28 by a railway corporation with the exception of any  
29 administrative building or offices of the railway  
30 corporation.

31 Sec. 47. Section 724.2, subsection 1, paragraph i,  
32 if enacted by 2013 Iowa Acts, House File 556, section  
33 206, is amended to read as follows:

34 i. A nonresident who possesses an offensive weapon  
35 which is a curio or relic firearm under the federal  
36 Firearms Act, 18 U.S.C. ch. 44, solely for use in  
37 official functions in this state of a historical  
38 reenactment organization of which the person is a  
39 member, if the offensive weapon is legally possessed  
40 by the person in the person's state of residence and  
41 the offensive weapon is at all times while in this  
42 state rendered incapable of firing live ammunition. A  
43 nonresident who possesses an offensive weapon under  
44 this ~~subsection~~ paragraph while in this state shall  
45 not have in the person's possession live ammunition.  
46 The offensive weapon may, however, be adapted for the  
47 firing of blank ammunition.

48 Sec. 48. 2013 Iowa Acts, House File 556, section  
49 257, subsection 3, if enacted, is amended by adding the  
50 following new subsection:

1 NEW SUBSECTION. 12. The Code editor is directed  
2 to change any terminology that references a web site,  
3 websites, the internet, and internet site, or internet  
4 sites in any Act enacted during the 2013 regular  
5 session of the Eighty-fifth General Assembly in the  
6 same manner as that terminology is changed in this  
7 section of this Act.

8 Sec. 49. 2013 Iowa Acts, House File 607, section  
9 29, subsection 3, if enacted, is amended to read as  
10 follows:

11 3. The department of agriculture and land  
12 stewardship or the office of attorney general acting  
13 on behalf of the agricultural development authority in  
14 an administrative or judicial proceeding shall not be  
15 affected as a result of this Act. Any ~~statue~~ statute  
16 of limitation shall apply to the parties as if this Act  
17 had not been enacted.

18 Sec. 50. 2013 Iowa Acts, House File 607, section  
19 34, if enacted, is amended to read as follows:

20 SEC. 34. ADMINISTRATION OF ONGOING PROGRAMS. The  
21 Iowa finance authority shall complete the  
22 administration of ongoing programs of the agricultural  
23 development authority as provided in chapter 175, to  
24 the extent that the administration of those programs  
25 ~~are~~ is in progress on the effective date of this  
26 division of this Act. The Iowa finance authority shall  
27 assume all rights and obligations of the agricultural  
28 development authority to the extent that moneys have  
29 been committed, obligations incurred, or rights accrued  
30 prior to the effective date of this division of this  
31 Act. Moneys owing due to the rights and obligations of  
32 the agricultural development authority and assumed by  
33 the Iowa finance authority shall be paid as directed by  
34 the Iowa finance authority.

35 Sec. 51. 2013 Iowa Acts, House File 607, section  
36 35, subsection 1, if enacted, is amended to read as  
37 follows:

38 1. The assets and liabilities of the former  
39 Iowa rural rehabilitation corporation assumed by  
40 the agricultural development authority pursuant to  
41 section 175.28 shall be transferred to the Iowa finance  
42 authority on the effective date of this division of  
43 this Act. On such effective date, the Iowa finance  
44 authority shall be the successor in interest to  
45 the agreements in effect between the United States  
46 government and the agricultural development authority  
47 on behalf of this state.

48 Sec. 52. 2013 Iowa Acts, Senate File 427, section  
49 35, is amended to read as follows:

50 SEC. 35 ADMINISTRATIVE RULES. The department

1 of public health shall adopt all initial rules,  
2 and amendments to existing rules, necessary for the  
3 implementation of this Act.

4 Sec. 53. REPEAL. 2013 Iowa Acts, House File 417,  
5 section 34, and 2013 Iowa Acts, House File 556, section  
6 27, if enacted, are repealed.

7 Sec. 54. REPEAL. 2013 Iowa Acts, House File 469,  
8 sections 83 and 84, are repealed.

9 Sec. 55. CONTINGENT REPEAL. If 2013 Iowa Acts,  
10 House File 575, section 12, is enacted, 2013 Iowa Acts,  
11 House File 417, section 93, is repealed.

12 DIVISION IV

13 EMINENT DOMAIN

14 Sec. 56. NEW SECTION. 6A.15 Property on state  
15 historic registry.

16 1. Property listed on the state register of  
17 historic places maintained by the historical division  
18 of the department of cultural affairs shall not be  
19 removed from the register solely for the purpose of  
20 allowing acquisition of the property by condemnation,  
21 unless such condemnation is undertaken by the  
22 department of transportation.

23 2. Property listed on the state register of  
24 historic places maintained by the historical division  
25 of the department of cultural affairs shall not be  
26 condemned by the state or a political subdivision  
27 unless a joint resolution authorizing commencement of  
28 the condemnation proceedings is approved by a vote of  
29 at least two-thirds of the members of both chambers  
30 of the general assembly and signed by the governor.  
31 The approval requirements of this subsection shall not  
32 apply to condemnation undertaken by the department of  
33 transportation.

34 Sec. 57. Section 6A.19, Code 2013, is amended to  
35 read as follows:

36 **6A.19 Interpretative clause.**

37 A grant in this chapter of right to take private  
38 property for a public use shall not be construed as  
39 limiting a like grant elsewhere in the Code for another  
40 and different use. Unless specifically provided by  
41 law, this chapter shall not be construed to limit or  
42 otherwise affect the application of chapters 478 and  
43 479 to the eminent domain authority of the utilities  
44 division of the department of commerce.

45 Sec. 58. Section 6A.22, subsection 2, paragraph  
46 c, subparagraph (1), Code 2013, is amended to read as  
47 follows:

48 (1) (a) If private property is to be condemned for  
49 development or creation of a lake, only that number  
50 of acres justified as reasonable and necessary for

1 a surface drinking water source, and not otherwise  
2 acquired, may be condemned. In addition, the acquiring  
3 agency shall conduct a review of prudent and feasible  
4 alternatives to provision of a drinking water source  
5 prior to making a determination that such lake  
6 development or creation is reasonable and necessary.  
7 Development or creation of a lake as a surface drinking  
8 water source includes all of the following:

9 (i) Construction of the dam, including sites for  
10 suitable borrow material and the auxiliary spillway.

11 (ii) The water supply pool.

12 (iii) The sediment pool.

13 (iv) The flood control pool.

14 (v) The floodwater retarding pool.

15 (vi) The surrounding area upstream of the dam  
16 no higher in elevation than the top of the dam's  
17 elevation.

18 (vii) The appropriate setback distance required  
19 by state or federal laws and regulations to protect  
20 drinking water supply.

21 (b) For purposes of this subparagraph (1), "*number*  
22 *of acres justified as reasonable and necessary for*  
23 *a surface drinking water source*" means according to  
24 guidelines of the United States natural resource  
25 conservation service and according to analyses of  
26 surface drinking water capacity needs conducted  
27 by one or more registered professional engineers.  
28 The registered professional engineers may, if  
29 appropriate, employ standards or guidelines other  
30 than the guidelines of the United States natural  
31 resource conservation service when determining the  
32 number of acres justified as reasonable and necessary  
33 for a surface drinking water source. The data and  
34 information used by the registered professional  
35 engineers shall include data and information relating  
36 to population and commercial enterprise activity for  
37 the area from the two most recent federal decennial  
38 censuses unless the district court of the county in  
39 which the property is situated has determined by a  
40 preponderance of the evidence that such data would  
41 not accurately predict the population and commercial  
42 enterprise activity of the area in the future.

43 (c) A second review or analysis of the drinking  
44 water capacity needs shall be performed upon receipt  
45 by the acquiring agency of a petition signed by not  
46 less than twenty-five percent of the affected property  
47 owners. The registered professional engineer to  
48 perform the second review or analysis shall be selected  
49 by a committee appointed by the affected property  
50 owners and whose membership is comprised of at least

1 fifty percent property owners affected by the proposed  
2 condemnation action. The acquiring agency shall be  
3 responsible for paying the fees and expenses of such  
4 an engineer.

5 (d) If private property is to be condemned for  
6 development or creation of a lake, the plans, analyses,  
7 applications, including any application for funding,  
8 and other planning activities of the acquiring agency  
9 shall not include or provide for the use of the lake  
10 for recreational purposes.

11 Sec. 59. Section 6B.54, subsection 10, paragraph  
12 a, Code 2013, is amended by adding the following new  
13 subparagraph:

14 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and  
15 reasonable costs not to exceed one hundred thousand  
16 dollars, attributable to a determination that the  
17 creation of a lake through condemnation includes a  
18 future recreational use or that a violation of section  
19 6A.22, subsection 2, paragraph "c", subparagraph (1),  
20 subparagraph division (d), has occurred, if such fees  
21 and costs are not otherwise provided under section  
22 6B.33.

23 Sec. 60. NEW SECTION. 6B.56B Disposition of  
24 condemned property — two-year time period.

25 1. When two years have elapsed since property  
26 was condemned for the creation of a lake according  
27 to the requirements of section 6A.22, subsection 2,  
28 paragraph "c", subparagraph (1), and the property has  
29 not been used for or construction has not progressed  
30 substantially from the date the property was condemned  
31 for the purpose stated in the application filed  
32 pursuant to section 6B.3, and the acquiring agency has  
33 not taken action to dispose of the property pursuant  
34 to section 6B.56, the acquiring agency shall, within  
35 sixty days, adopt a resolution offering the property  
36 for sale to the prior owner at a price as provided in  
37 section 6B.56. If the resolution adopted approves an  
38 offer of sale to the prior owner, the offer shall be  
39 made in writing and mailed by certified mail to the  
40 prior owner. The prior owner has one hundred eighty  
41 days after the offer is mailed to purchase the property  
42 from the acquiring agency.

43 2. If the acquiring agency has not adopted a  
44 resolution described in subsection 1 within the  
45 sixty-day time period, the prior owner may, in writing,  
46 petition the acquiring agency to offer the property  
47 for sale to the prior owner at a price as provided in  
48 section 6B.56. Within sixty days after receipt of  
49 such a petition, the acquiring agency shall adopt a  
50 resolution described in subsection 1. If the acquiring

1 agency does not adopt such a resolution within sixty  
2 days after receipt of the petition, the acquiring  
3 agency is deemed to have offered the property for sale  
4 to the prior owner.

5 3. The acquiring agency shall give written notice  
6 to the owner of the right to purchase the property  
7 under this section at the time damages are paid to the  
8 owner.

9 Sec. 61. Section 403.7, subsection 1, unnumbered  
10 paragraph 1, Code 2013, is amended to read as follows:

11 A municipality shall have the right to acquire by  
12 condemnation any interest in real property, including a  
13 fee simple title thereto, which it may deem necessary  
14 for or in connection with an urban renewal project  
15 under this chapter, subject to the limitations on  
16 eminent domain authority in ~~chapter~~ chapters 6A and 6B.  
17 However, a municipality shall not condemn agricultural  
18 land included within an economic development area  
19 for any use unless the owner of the agricultural land  
20 consents to condemnation or unless the municipality  
21 determines that the land is necessary or useful for any  
22 of the following:

23 Sec. 62. NEW SECTION. 423B.11 Use of revenues —  
24 limitation.

25 The revenue raised by a local sales and services  
26 tax imposed under this chapter by a county shall not  
27 be expended for any purpose related to a project that  
28 includes the condemnation of private property for  
29 the creation of a lake according to the requirements  
30 of section 6A.22, subsection 2, paragraph "c",  
31 subparagraph (1), if the local sales and services tax  
32 has not been approved at election in the area where the  
33 property to be condemned is located.

34 Sec. 63. Section 455A.5, Code 2013, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 7. The authority granted to the  
37 commission to acquire real property for purposes  
38 of carrying out a duty related to development or  
39 maintenance of the recreation resources of the state,  
40 including planning, acquisition, and development of  
41 recreational projects, and areas and facilities related  
42 to such projects, shall not include the authority to  
43 acquire real property by eminent domain.

44 Sec. 64. Section 456A.24, subsection 2, unnumbered  
45 paragraph 1, Code 2013, is amended to read as follows:

46 Acquire by purchase, ~~condemnation,~~ lease, agreement,  
47 gift, and devise lands or waters suitable for the  
48 purposes hereinafter enumerated, and rights-of-way  
49 thereto, and to maintain the same for the following  
50 purposes, ~~to-wit:~~

1 Sec. 65. Section 456A.24, Code 2013, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 15. The authority granted the  
4 department to acquire real property for any statutory  
5 purpose relating to the development or maintenance  
6 of the recreation resources of the state, including  
7 planning, acquisition, and development of recreational  
8 projects, and areas and facilities related to such  
9 projects, shall not include the authority to acquire  
10 real property by eminent domain.

11 Sec. 66. Section 461A.7, Code 2013, is amended to  
12 read as follows:

13 461A.7 ~~Eminent domain~~ Purchase of lands — public  
14 parks.

15 The commission may purchase ~~or condemn~~ lands from  
16 willing sellers for public parks. ~~No~~ A contract for  
17 the purchase of such public parks shall not be made to  
18 an amount in excess of funds appropriated therefor by  
19 the general assembly.

20 Sec. 67. Section 461A.10, Code 2013, is amended to  
21 read as follows:

22 461A.10 Title to lands.

23 The title to all lands purchased, ~~condemned,~~ or  
24 donated, hereunder, for park ~~or highway~~ purposes and  
25 the title to all lands purchased, condemned, or donated  
26 hereunder for highway purposes, shall be taken in the  
27 name of the state and if thereafter it shall be deemed  
28 advisable to sell any portion of the land so purchased  
29 or condemned, the proceeds of such sale shall be placed  
30 to the credit of the said public state parks fund to be  
31 used for such park purposes.

32 Sec. 68. Section 463C.8, subsection 1, paragraph k,  
33 Code 2013, is amended to read as follows:

34 k. The power to acquire, own, hold, administer,  
35 and dispose of property, except that such power is not  
36 a grant of authority to acquire property by eminent  
37 domain.

38 Sec. 69. REPEAL. Sections 461A.9 and 461A.75, Code  
39 2013, are repealed.

40 Sec. 70. SEVERABILITY. If any provision of this  
41 Act is held invalid, the invalidity shall not affect  
42 other provisions or applications of this Act which can  
43 be given effect without the invalid provision, and to  
44 this end the provisions of this Act are severable as  
45 provided in section 4.12.

46 Sec. 71. EFFECTIVE UPON ENACTMENT. This division  
47 of this Act, being deemed of immediate importance,  
48 takes effect upon enactment.

49 Sec. 72. APPLICABILITY. Except as otherwise  
50 provided in this division of this Act, this division

1 of this Act applies to projects or condemnation  
2 proceedings pending or commenced on or after the  
3 effective date of this Act.

4 Sec. 73. RETROACTIVE APPLICABILITY.

5 Notwithstanding any provision of law to the contrary,  
6 the following provision or provisions of this division  
7 of this Act apply retroactively to projects or  
8 condemnation proceedings pending or commenced on or  
9 after February 15, 2013:

10 1. The section amending section 6A.22.

11 2. The section enacting section 6B.56B.

12

DIVISION V

13 APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION

14 Sec. 74. Section 312.3, subsection 2, Code 2013, is  
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. *d.* For purposes of apportioning  
17 among the cities of the state the percentage of  
18 the road use tax fund to be credited to the street  
19 construction fund of the cities for each month  
20 beginning April 2011 and ending March 2021 pursuant to  
21 this subsection, the population of each city shall be  
22 determined by the greater of the population of the city  
23 as of the last preceding certified federal census or  
24 as of the April 1, 2010, population estimates base as  
25 determined by the United States census bureau.

26 Sec. 75. STREET CONSTRUCTION FUND — APPROPRIATION.

27 1. In a written application to the treasurer of  
28 state submitted by October 1, 2013, a city may request  
29 an additional distribution of moneys to be credited  
30 to the street construction fund of the city equal to  
31 that additional amount, calculated by the treasurer,  
32 that the city would have received if the funds were  
33 apportioned based upon the population of the city as  
34 determined by section 312.3, subsection 2, paragraph  
35 "d", as enacted in this division of this Act, for the  
36 months prior to the effective date of this division of  
37 this Act.

38 2. Upon determination by the treasurer of state  
39 that an additional amount should be credited to a city  
40 as provided by this section, there is appropriated from  
41 the general fund of the state to the department of  
42 transportation, for the fiscal year beginning July 1,  
43 2013, and ending June 30, 2014, an amount sufficient to  
44 pay the additional amount which shall be distributed to  
45 the city for deposit in the street construction fund  
46 of the city.

47 Sec. 76. EFFECTIVE UPON ENACTMENT. This division  
48 of this Act, being deemed of immediate importance,  
49 takes effect upon enactment.

50 Sec. 77. RETROACTIVE APPLICABILITY. This division

1 of this Act applies retroactively to April 2011.

2 DIVISION VI

3 INSURANCE PRODUCERS

4 Sec. 78. Section 522B.1, Code 2013, is amended by  
5 adding the following new subsections:

6 NEW SUBSECTION. 7A. "*Intended beneficiary*" means  
7 a person who is not listed as a beneficiary of an  
8 insurance policy or contract in the records of the  
9 insurer.

10 NEW SUBSECTION. 12A. "*Policy owner*" means the  
11 person who is identified as the legal owner of an  
12 insurance policy or contract under the terms of the  
13 insurance policy or contract, or who is otherwise  
14 vested with legal title to the insurance policy or  
15 contract through a valid assignment completed in  
16 accordance with the terms of the insurance policy or  
17 contract and is properly recorded as the legal owner of  
18 the policy or contract in the records of the insurer.  
19 "*Policy owner*" does not include a person who has a mere  
20 beneficial interest in an insurance policy or contract.

21 Sec. 79. Section 522B.11, subsection 7, Code 2013,  
22 is amended by striking the subsection and inserting in  
23 lieu thereof the following:

24 7. a. Unless otherwise specified in this chapter,  
25 the duties and responsibilities of an insurance  
26 producer are limited to using reasonable care,  
27 diligence, and judgment in procuring the insurance  
28 requested of the insurance producer by the policy  
29 owner.

30 b. An insurance producer has no duty to change the  
31 beneficiary of an insurance policy or contract unless  
32 clear written evidence of the policy owner's intent  
33 to name an intended beneficiary as a beneficiary of  
34 the policy or contract is presented to the insurance  
35 producer or insurer in the manner required by the  
36 policy or contract, prior to the payment of any  
37 insurance benefits under the policy or contract. Such  
38 evidence shall be provided in the same manner as a  
39 claim for benefits under the policy or contract.

40 c. An insurance producer is not in the business  
41 of supplying information to others and has no duty  
42 to provide advice or information unless the insurance  
43 producer holds oneself out as an insurance specialist,  
44 consultant, or counselor and receives compensation for  
45 consultation and advice apart from commissions paid by  
46 an insurer.

47 d. An insurance producer may agree to accept  
48 additional duties and responsibilities not specified in  
49 this chapter. Any agreement by an insurance producer  
50 to accept such additional duties and responsibilities

1 shall be in writing and signed by the insurance  
2 producer and the policy owner.

3 e. The general assembly declares that the holdings  
4 of Langwith v. Am. Nat'l Gen. Ins. Co., 793 N.W.2d  
5 215 (Iowa 2010) and Pitts v. Farm Bureau Life Ins.  
6 Co., 818 N.W.2d 91 (Iowa 2012) are abrogated to the  
7 extent that they impose higher or greater duties and  
8 responsibilities on insurance producers than those set  
9 forth in this subsection.

10 DIVISION VII

11 PROTEST AND APPEAL OF PROPERTY ASSESSMENTS

12 Sec. 80. Section 421.1A, subsection 6, Code 2013,  
13 is amended to read as follows:

14 6. The members of the property assessment appeal  
15 board shall receive compensation from the state  
16 commensurate with the salary of a district judge  
17 ~~through December 31, 2013.~~ The members of the board  
18 shall be considered state employees for purposes of  
19 salary and benefits. The members of the board and  
20 any employees of the board, when required to travel  
21 in the discharge of official duties, shall be paid  
22 their actual and necessary expenses incurred in the  
23 performance of duties.

24 Sec. 81. Section 421.1A, subsection 7, Code 2013,  
25 is amended by striking the subsection.

26 Sec. 82. Section 441.21, subsection 3, Code 2013,  
27 is amended to read as follows:

28 3. a. *"Actual value", "taxable value", or "assessed*  
29 *value"* as used in other sections of the Code in  
30 relation to assessment of property for taxation shall  
31 mean the valuations as determined by this section;  
32 however, other provisions of the Code providing special  
33 methods or formulas for assessing or valuing specified  
34 property shall remain in effect, but this section  
35 shall be applicable to the extent consistent with such  
36 provisions. The assessor and department of revenue  
37 shall disclose at the written request of the taxpayer  
38 all information in any formula or method used to  
39 determine the actual value of the taxpayer's property.

40 b. The burden of proof shall be upon any  
41 complainant attacking such valuation as excessive,  
42 inadequate, inequitable, or capricious; however, in  
43 protest or appeal proceedings when the complainant  
44 offers competent evidence by at least two disinterested  
45 witnesses that the market value of the property is less  
46 than the market value determined by the assessor, the  
47 burden of proof thereafter shall be upon the officials  
48 or persons seeking to uphold such valuation to be  
49 assessed.

50 Sec. 83. Section 441.35, subsection 2, Code 2013,

1 is amended to read as follows:

2 2. In any year after the year in which an  
3 assessment has been made of all of the real estate  
4 in any taxing district, the board of review shall  
5 meet as provided in section 441.33, and where the  
6 board finds the same has changed in value, the board  
7 shall revalue and reassess any part or all of the  
8 real estate contained in such taxing district, and  
9 in such case, the board shall determine the actual  
10 value as of January 1 of the year of the revaluation  
11 and reassessment and compute the taxable value  
12 thereof. ~~Any aggrieved taxpayer may petition for~~  
13 ~~a revaluation of the taxpayer's property, but no~~  
14 ~~reduction or increase shall be made for prior years.~~  
15 If the assessment of any such property is raised, or  
16 any property is added to the tax list by the board,  
17 the clerk shall give notice in the manner provided in  
18 section 441.36. However, if the assessment of all  
19 property in any taxing district is raised, the board  
20 may instruct the clerk to give immediate notice by one  
21 publication in one of the official newspapers located  
22 in the taxing district, and such published notice  
23 shall take the place of the mailed notice provided for  
24 in section 441.36, but all other provisions of that  
25 section shall apply. The decision of the board as to  
26 the foregoing matters shall be subject to appeal to the  
27 property assessment appeal board within the same time  
28 and in the same manner as provided in section 441.37A  
29 and to the district court within the same time and in  
30 the same manner as provided in section 441.38.

31 Sec. 84. Section 441.37, subsection 1, paragraphs a  
32 and b, Code 2013, are amended to read as follows:

33 a. Any property owner or aggrieved taxpayer who is  
34 dissatisfied with the owner's or taxpayer's assessment  
35 may file a protest against such assessment with the  
36 board of review on or after April 16, to and including  
37 May 5, of the year of the assessment. In any county  
38 which has been declared to be a disaster area by proper  
39 federal authorities after March 1 and prior to May 20  
40 of said year of assessment, the board of review shall  
41 be authorized to remain in session until June 15 and  
42 the time for filing a protest shall be extended to and  
43 include the period from May 25 to June 5 of such year.  
44 ~~Said~~ The protest shall be in writing and signed by the  
45 one protesting or by the protester's duly authorized  
46 agent. The taxpayer may have an oral hearing thereon  
47 on the protest if request therefor for the oral hearing  
48 is made in writing is made at the time of filing the  
49 protest. ~~Said~~ The protest must be confined to one or  
50 more of the following grounds:

1       (1) For odd-numbered assessment years and for  
2 even-numbered assessment years for property that was  
3 reassessed in such even-numbered assessment year:

4       (a) That said assessment is not equitable as  
5 compared with assessments of other like property in  
6 the taxing district assessing jurisdiction. When this  
7 ground is relied upon as the basis of a protest the  
8 legal description and assessments of a representative  
9 number of comparable properties, as described by the  
10 aggrieved taxpayer shall be listed on the protest,  
11 otherwise said protest shall not be considered on this  
12 ground consideration shall be given to whether the  
13 other like property in the assessing jurisdiction was  
14 appraised using a different appraisal methodology than  
15 the methodology used to appraise the property that is  
16 the subject of the protest.

17       ~~(2)~~ (b) That the property is assessed for more  
18 than the value authorized by law, stating. When  
19 this ground is relied upon, the specific amount which  
20 the protesting party believes the property to be  
21 overassessed, and the amount which the party considers  
22 to be its actual value and the amount the party  
23 considers a fair assessment shall be stated.

24       ~~(3)~~ (c) That the property is not assessable, is  
25 exempt from taxes, or is misclassified and stating the  
26 reasons for the protest.

27       ~~(4)~~ (d) That there is an error in the assessment  
28 and state the specific alleged error. When this ground  
29 is relied upon, it may include but is not limited to  
30 listing errors, clerical or mathematical errors, or  
31 other errors that result in an error in the assessment.

32       ~~(5)~~ (e) That there is fraud in the assessment  
33 which shall be specifically stated.

34       (2) For even-numbered assessment years, when the  
35 property has not been reassessed in such even-numbered  
36 assessment year, that there has been a decrease in the  
37 value of the property from the previous reassessment  
38 year. When this ground is relied upon, the decrease in  
39 value shall be shown by comparing the market value of  
40 the property as of January 1 of the current assessment  
41 year and the actual value of the property for the  
42 previous reassessment year. Such protest shall be  
43 in the same manner as described in this section and  
44 shall be reviewed by the local board of review pursuant  
45 to section 441.35, subsection 2, but no reduction or  
46 increase shall be made for prior years.

47       b. In addition to the above, the property owner  
48 may protest annually to the board of review under  
49 the provisions of section 441.35, but such protest  
50 shall be in the same manner and upon the same terms as

1 ~~heretofore prescribed in this section. The burden of~~  
2 proof for all protests filed under this section shall  
3 be as stated in section 441.21, subsection 3, paragraph  
4 "b".

5 Sec. 85. Section 441.37A, subsection 1, paragraph  
6 b, Code 2013, is amended to read as follows:  
7 b. For an appeal to the property assessment appeal  
8 board to be valid, written notice must be filed by  
9 the party appealing the decision with the secretary  
10 of the property assessment appeal board within twenty  
11 days after ~~the date the board of review's letter of~~  
12 ~~disposition of the appeal is postmarked to the party~~  
13 ~~making the protest adjournment of the local board of~~  
14 review or May 31, whichever is later. The written  
15 notice of appeal shall include a petition setting forth  
16 the basis of the appeal and the relief sought. No new  
17 grounds in addition to those set out in the protest  
18 to the local board of review as provided in section  
19 441.37 can be pleaded, but additional evidence to  
20 sustain those grounds may be introduced. The assessor  
21 shall have the same right to appeal to the assessment  
22 appeal board as an individual taxpayer, public body, or  
23 other public officer as provided in section 441.42. An  
24 appeal to the board is a contested case under chapter  
25 17A.

26 Sec. 86. Section 441.37A, subsection 2, paragraph  
27 a, Code 2013, is amended to read as follows:  
28 a. A party to the appeal may request a hearing or  
29 the appeal may proceed without a hearing. If a hearing  
30 is requested, the appellant and the local board of  
31 review from which the appeal is taken shall be given  
32 at least thirty days' written notice by the property  
33 assessment appeal board of the date the appeal shall be  
34 heard and the local board of review may be present and  
35 participate at such hearing. Notice to all affected  
36 taxing districts shall be deemed to have been given  
37 when written notice is provided to the local board of  
38 review. The requirement of thirty days' written notice  
39 may be waived by mutual agreement of all parties to  
40 the appeal. Failure by the appellant to appear at  
41 the property assessment appeal board hearing shall ~~be~~  
42 ~~grounds for~~ result in dismissal of the appeal unless a  
43 continuance is granted to the appellant by the board  
44 following a showing of good cause for the appellant's  
45 failure to appear. If an appeal is dismissed for  
46 failure to appear, the property assessment appeal board  
47 shall have no jurisdiction to consider any subsequent  
48 appeal on the appellant's protest.

49 Sec. 87. Section 441.37A, subsection 3, paragraph  
50 a, Code 2013, is amended to read as follows:

1 a. The board member considering the appeal shall  
2 determine anew all questions arising before the local  
3 board of review which relate to the liability of  
4 the property to assessment or the amount thereof.  
5 All of the evidence shall be considered and there  
6 shall be no presumption as to the correctness of the  
7 valuation of assessment appealed from. The burden  
8 of proof for all appeals before the board shall be  
9 as stated in section 441.21, subsection 3, paragraph  
10 "b". The property assessment appeal board shall make a  
11 decision in each appeal filed with the board. If the  
12 appeal is considered by less than a majority of the  
13 board, the determination made by that member shall be  
14 forwarded to the full board for approval, rejection, or  
15 modification. If the initial determination is rejected  
16 by the board, it shall be returned for reconsideration  
17 to the board member making the initial determination.  
18 Any deliberation of the board regarding an initial  
19 determination shall be confidential.

20 Sec. 88. REPEAL. 2005 Iowa Acts, chapter 150,  
21 section 134, is repealed.

22 Sec. 89. EFFECTIVE UPON ENACTMENT. This division  
23 of this Act, being deemed of immediate importance,  
24 takes effect upon enactment.

25 Sec. 90. APPLICABILITY. The following provisions  
26 of this division of this Act apply to assessment years  
27 beginning on or after January 1, 2014:

- 28 1. The section amending section 441.37.
- 29 2. The section amending section 441.35.

30 DIVISION VIII

31 GENERAL AND SPECIAL EDUCATION

32 Sec. 91. GENERAL AND SPECIAL EDUCATION COSTS —  
33 LEGISLATIVE STUDY.

34 1. For purposes of this section, "private agency"  
35 means a residential facility licensed under chapter  
36 135H or 237. "Private agency" does not include an  
37 institution listed in section 218.1.

38 2. The legislative council is requested to  
39 establish an interim study committee during the 2013  
40 interim to examine the payment of general education  
41 and special education costs associated with student  
42 services provided by private agencies and whether  
43 the planning for and costs of such services would be  
44 more appropriately administered by the department of  
45 education or the department of human services. The  
46 study committee shall consist of legislator members of  
47 both political parties from both houses of the general  
48 assembly and representatives of the office of the  
49 governor, the department of education, the department  
50 of human services, and private agencies.

DIVISION IX  
ALL-TERRAIN VEHICLES

1  
2  
3 Sec. 92. Section 321.1, subsection 32, Code 2013,  
4 is amended to read as follows:

5 32. *Implement of husbandry* means a vehicle or  
6 special mobile equipment manufactured, designed, or  
7 reconstructed for agricultural purposes and, except  
8 for incidental uses, exclusively used in the conduct  
9 of agricultural operations. *Implements of husbandry*  
10 includes all-terrain vehicles operated in compliance  
11 with section 321.234A, subsection 1, paragraph "a", but  
12 not registered for operation upon a highway pursuant  
13 to section 321.118, fence-line feeders, and vehicles  
14 used exclusively for the application of organic or  
15 inorganic plant food materials, organic agricultural  
16 limestone, or agricultural chemicals. To be considered  
17 an implement of husbandry, a self-propelled implement  
18 of husbandry must be operated at speeds of thirty-five  
19 miles per hour or less.

20 a. "Reconstructed" as used in this subsection means  
21 materially altered from the original construction by  
22 the removal, addition, or substitution of essential  
23 parts, new or used.

24 b. A vehicle covered under this subsection, if  
25 it otherwise qualifies, may be operated as special  
26 mobile equipment and under such circumstances this  
27 subsection shall not be applicable to such vehicle,  
28 and such vehicle shall not be required to comply with  
29 sections 321.384 through 321.423, when such vehicle is  
30 moved during daylight hours; however, the provisions  
31 of section 321.383 shall remain applicable to such  
32 vehicle.

33 Sec. 93. Section 321.1, subsection 47A, Code 2013,  
34 is amended to read as follows:

35 47A. *Off-road utility vehicle* means a motorized  
36 flotation-tire vehicle with not less than four and not  
37 more than eight low-pressure tires that is limited in  
38 engine displacement to less than one thousand five  
39 hundred cubic centimeters and in total dry weight  
40 to not more than ~~one two thousand eight hundred~~  
41 pounds and that has a seat that is of bucket or bench  
42 design, not intended to be straddled by the operator,  
43 and a steering wheel or control levers for control.  
44 "Off-road utility vehicle" does not include dune  
45 buggies, golf carts, go-carts, or minitrucks.

46 Sec. 94. Section 321.105A, subsection 2, paragraph  
47 c, Code 2013, is amended by adding the following new  
48 subparagraph:

49 NEW SUBPARAGRAPH. (31) An all-terrain vehicle  
50 which is exempt from the sales tax pursuant to section

1 423.3, subsection 8, or for which the applicant has  
2 paid the sales tax in this state or has paid to another  
3 state a state sales, use, or occupational tax.

4 Sec. 95. Section 321.109, subsection 1, paragraph  
5 a, Code 2013, is amended to read as follows:

6 a. The annual fee for all motor vehicles including  
7 vehicles designated by manufacturers as station wagons,  
8 1993 and subsequent model year multipurpose vehicles,  
9 and 2010 and subsequent model year motor trucks with  
10 an unladen weight of ten thousand pounds or less,  
11 except motor trucks registered under section 321.122,  
12 business-trade trucks, special trucks, motor homes,  
13 ambulances, hearses, all-terrain vehicles, motorcycles,  
14 motorized bicycles, and 1992 and older model year  
15 multipurpose vehicles, shall be equal to one percent  
16 of the value as fixed by the department plus forty  
17 cents for each one hundred pounds or fraction thereof  
18 of weight of vehicle, as fixed by the department. The  
19 weight of a motor vehicle, fixed by the department  
20 for registration purposes, shall include the weight  
21 of a battery, heater, bumpers, spare tire, and wheel.  
22 Provided, however, that for any new vehicle purchased  
23 in this state by a nonresident for removal to the  
24 nonresident's state of residence the purchaser may make  
25 application to the county treasurer in the county of  
26 purchase for a transit plate for which a fee of ten  
27 dollars shall be paid. And provided, however, that for  
28 any used vehicle held by a registered dealer and not  
29 currently registered in this state, or for any vehicle  
30 held by an individual and currently registered in this  
31 state, when purchased in this state by a nonresident  
32 for removal to the nonresident's state of residence,  
33 the purchaser may make application to the county  
34 treasurer in the county of purchase for a transit  
35 plate for which a fee of three dollars shall be paid.  
36 The county treasurer shall issue a nontransferable  
37 certificate of registration for which no refund shall  
38 be allowed; and the transit plates shall be void thirty  
39 days after issuance. Such purchaser may apply for a  
40 certificate of title by surrendering the manufacturer's  
41 or importer's certificate or certificate of title,  
42 duly assigned as provided in this chapter. In this  
43 event, the treasurer in the county of purchase shall,  
44 when satisfied with the genuineness and regularity of  
45 the application, and upon payment of a fee of twenty  
46 dollars, issue a certificate of title in the name and  
47 address of the nonresident purchaser delivering the  
48 title to the owner. If there is a security interest  
49 noted on the title, the county treasurer shall mail to  
50 the secured party an acknowledgment of the notation

1 of the security interest. The county treasurer shall  
2 not release a security interest that has been noted on  
3 a title issued to a nonresident purchaser as provided  
4 in this paragraph. The application requirements of  
5 section 321.20 apply to a title issued as provided  
6 in this subsection, except that a natural person  
7 who applies for a certificate of title shall provide  
8 either the person's social security number, passport  
9 number, or driver's license number, whether the license  
10 was issued by this state, another state, or another  
11 country. The provisions of this subsection relating to  
12 multipurpose vehicles are effective for all 1993 and  
13 subsequent model years. The annual registration fee  
14 for multipurpose vehicles that are 1992 model years and  
15 older shall be in accordance with section 321.124.

16 Sec. 96. NEW SECTION. 321.118 All-terrain  
17 vehicles.

18 1. An all-terrain vehicle designed to travel  
19 on four or more wheels may be registered under this  
20 chapter for operation on secondary roads and on  
21 city streets where authorized, as provided in this  
22 chapter, for an annual fee of fifty dollars. However,  
23 all-terrain vehicles registered under this section  
24 are not subject to the titling provisions of this  
25 chapter or to the manufacturer's label requirement  
26 under section 321.30, subsection 2, paragraph "a".  
27 Registration under this section is in addition to  
28 the titling and registration requirements of chapter  
29 321I. An applicant for registration of an all-terrain  
30 vehicle under this section shall submit, along with the  
31 application, a copy of the registration certificate  
32 issued for the vehicle pursuant to section 321I.4  
33 containing a description of the vehicle and identifying  
34 the applicant as the owner of the vehicle.

35 2. This section shall not be construed to include  
36 all-terrain vehicles within the meaning of the term  
37 "*motor vehicle subject to registration*" or "*vehicle*  
38 *subject to registration*" as that term applies to the  
39 regulation of motor vehicle dealers, manufacturers, or  
40 distributors or to the sale, rental, lease, transfer,  
41 or disposition of motor vehicles.

42 Sec. 97. Section 321.166, subsection 1, paragraph  
43 a, Code 2013, is amended to read as follows:

44 a. Registration plates shall be of metal and of a  
45 size not to exceed six inches by twelve inches, except  
46 that the size of plates issued for use on all-terrain  
47 vehicles, motorized bicycles, motorcycles, motorcycle  
48 trailers, and trailers with an empty weight of two  
49 thousand pounds or less shall be established by the  
50 department.

1     Sec. 98. Section 321.166, subsection 4, Code 2013,  
2 is amended to read as follows:  
3     4. The registration plate number, except on  
4 all-terrain vehicles, motorized bicycles, motorcycles,  
5 motorcycle trailers, and trailers with an empty weight  
6 of two thousand pounds or less, shall be of sufficient  
7 size to be readable from a distance of one hundred feet  
8 during daylight.

9     Sec. 99. Section 321.234A, subsection 1, paragraph  
10 f, Code 2013, is amended by striking the paragraph.

11     Sec. 100. Section 321.234A, Code 2013, is amended  
12 by adding the following new subsection:  
13     NEW SUBSECTION. 5. The provisions of this section  
14 do not apply to an all-terrain vehicle registered under  
15 section 321.118 and operated on a highway in accordance  
16 with section 321.234B.

17     Sec. 101. NEW SECTION. **321.234B Registered**  
18 **all-terrain vehicles — operation on highways.**

19     An all-terrain vehicle which is registered pursuant  
20 to section 321.118 may be operated on a highway subject  
21 to all of the following:

22     1. *Persons who may operate.* A person shall not  
23 operate an all-terrain vehicle on a highway unless the  
24 person is sixteen years of age or older and has a valid  
25 driver's license other than a license valid only for  
26 operation of a motorized bicycle.

27     2. *Operation on certain highways only.* All-terrain  
28 vehicles registered under section 321.118 may be  
29 operated on secondary roads, but shall not be operated  
30 on primary highways or on highways within the corporate  
31 limits of a city except as follows:

32     a. A person shall not operate an all-terrain  
33 vehicle registered under section 321.118 on a primary  
34 highway except to cross a primary highway; however, the  
35 provisions of section 321I.10 govern the crossing of a  
36 primary highway when the all-terrain vehicle is being  
37 operated on an all-terrain vehicle trail.

38     b. A person shall not operate an all-terrain  
39 vehicle registered under section 321.118 on a highway  
40 within the corporate limits of a city except on a  
41 nonprimary highway where such operation is authorized  
42 by ordinance pursuant to section 321.236, subsection  
43 14A.

44     3. *Motor vehicle laws applicable.* The motor vehicle  
45 laws, including but not limited to the provisions  
46 of sections 321.20B, 321.285, 321.317, 321.385, and  
47 321.387, apply to the operation of all-terrain vehicles  
48 registered for operation on highways, except for those  
49 provisions relating to required equipment which by  
50 their nature can have no practical application.

1 4. *Penalties.* A person convicted of a violation  
2 of subsection 1 or 2 is guilty of a simple misdemeanor  
3 punishable as a scheduled violation under section  
4 805.8A, subsection 6.

5 Sec. 102. Section 321.236, Code 2013, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 14A. Authorizing the operation of  
8 all-terrain vehicles registered under section 321.118  
9 on highways under the jurisdiction of a city, other  
10 than municipal extensions of primary highways.

11 Sec. 103. Section 321.285, Code 2013, is amended by  
12 adding the following new subsection:

13 NEW SUBSECTION. 6A. Notwithstanding any other  
14 speed restrictions allowing for speed in excess of  
15 forty-five miles per hour, a person shall not operate  
16 an all-terrain vehicle on a highway at a speed in  
17 excess of forty-five miles per hour.

18 Sec. 104. Section 321F.1, subsection 7, Code 2013,  
19 is amended to read as follows:

20 7. "*Motor vehicle*" means every vehicle which is  
21 self-propelled and subject to registration under the  
22 laws of this state, other than an all-terrain vehicle  
23 as defined in section 321.1.

24 Sec. 105. Section 321H.2, subsection 10, Code 2013,  
25 is amended to read as follows:

26 10. "*Vehicle subject to registration*" means any  
27 vehicle that is of a type required to be registered  
28 under chapter 321 when operated on a public highway,  
29 including but not limited to a vehicle that is  
30 inoperable, salvage, or rebuilt, but not including an  
31 all-terrain vehicle as defined in section 321.1.

32 Sec. 106. Section 321I.9, unnumbered paragraph 1,  
33 Code 2013, is amended to read as follows:

34 Registration under this chapter shall not be  
35 required for the following described all-terrain  
36 vehicles:

37 Sec. 107. Section 321I.10, subsection 1, Code 2013,  
38 is amended to read as follows:

39 1. A person shall not operate an all-terrain  
40 vehicle or off-road utility vehicle upon roadways  
41 or highways except as provided in ~~section~~ sections  
42 321.234A and 321.234B and this section.

43 Sec. 108. Section 321I.10, subsections 2 and 3,  
44 Code 2013, are amended by striking the subsections.

45 Sec. 109. Section 321I.31, subsection 1, Code 2013,  
46 is amended to read as follows:

47 1. The owner of an all-terrain vehicle acquired on  
48 or after January 1, 2000, other than an all-terrain  
49 vehicle used exclusively as a farm implement or a  
50 motorcycle previously issued a title pursuant to

1 chapter 321, shall apply to the county recorder of the  
2 county in which the owner resides for a certificate  
3 of title for the all-terrain vehicle. The owner of  
4 an all-terrain vehicle used exclusively as a farm  
5 implement may obtain a certificate of title. A person  
6 who owns an all-terrain vehicle that is not required to  
7 have a certificate of title may apply for and receive  
8 a certificate of title for the all-terrain vehicle  
9 and, subsequently, the all-terrain vehicle shall be  
10 subject to the requirements of this chapter as if  
11 the all-terrain vehicle were required to be titled.  
12 All all-terrain vehicles that are titled shall be  
13 registered under this chapter.

14 Sec. 110. Section 322.2, subsections 13 and 23,  
15 Code 2013, are amended to read as follows:

16 13. "*Motor vehicle*" means any self-propelled  
17 vehicle subject to registration under chapter 321,  
18 other than an all-terrain vehicle as defined in section  
19 321.1.

20 23. "*Used motor vehicle*" or "*second-hand motor*  
21 *vehicle*" means any motor vehicle of a type subject to  
22 registration under the laws of this state, except an  
23 all-terrain vehicle as defined in section 321.1, which  
24 has been sold "at retail" as defined in this chapter  
25 and previously registered in this or any other state.

26 Sec. 111. Section 322A.1, subsection 8, Code 2013,  
27 is amended to read as follows:

28 8. "*Motor vehicle*" means a "*motor vehicles" vehicle*"  
29 as defined in chapter 321 which are is subject to  
30 registration pursuant to the provisions thereof, other  
31 than an all-terrain vehicle as defined in section  
32 321.1.

33 Sec. 112. Section 331.362, subsection 9, Code 2013,  
34 is amended to read as follows:

35 9. A county may regulate traffic on and use of the  
36 secondary roads, in accordance with sections 321.236  
37 to 321.250, 321.254, 321.255, 321.285, subsection  
38 4, sections 321.352, 321.471 to 321.473, and other  
39 applicable provisions of chapter 321, and sections  
40 ~~321G.9, 321H.10,~~ and 327G.15.

41 Sec. 113. Section 423.1, subsection 66, Code 2013,  
42 is amended to read as follows:

43 66. "*Vehicles subject to registration*" means any  
44 vehicle subject to registration pursuant to section  
45 321.18, other than an all-terrain vehicle or off-road  
46 utility vehicle registered pursuant to section 321.118.

47 Sec. 114. Section 516E.1, subsection 6, Code 2013,  
48 is amended to read as follows:

49 6. "*Motor vehicle*" means any self-propelled vehicle  
50 subject to registration under chapter 321, other than

1 an all-terrain vehicle as defined in section 321.1.  
2 Sec. 115. Section 537B.2, subsection 2, Code 2013,  
3 is amended to read as follows:  
4 2. "Motor vehicle" means a motor vehicle as defined  
5 in section 321.1 which is subject to registration.  
6 However, "motor vehicle" does not include a motor  
7 vehicle, as defined in section 321.1, with a gross  
8 vehicle weight rating of more than twelve thousand  
9 pounds, or an all-terrain vehicle as defined in section  
10 321.1.

11 Sec. 116. Section 805.8A, subsection 6, Code 2013,  
12 is amended by adding the following new paragraph:  
13 NEW PARAGRAPH. 0a. Section 321.234B, subsection 1  
14 or 2.....\$50.

15 DIVISION X  
16 RULEMAKING PROCESS

17 Sec. 117. Section 17A.4, subsection 3, Code 2013,  
18 is amended to read as follows:  
19 3. a. ~~When an agency for good cause finds that~~  
20 ~~notice and public participation would be unnecessary,~~  
21 ~~impracticable, or contrary to the public interest~~ When  
22 the statute so provides, or with the approval of the  
23 administrative rules review committee, if the committee  
24 finds good cause that notice and public participation  
25 would be unnecessary, impracticable, or contrary to the  
26 public interest, the provisions of subsection 1 shall  
27 be inapplicable. The agency shall incorporate in each  
28 rule issued in reliance upon this provision either the  
29 finding and a brief statement of the reasons for the  
30 finding, or a statement that the rule is within a very  
31 narrowly tailored category of rules whose issuance  
32 has previously been exempted from subsection 1 by a  
33 special rule relying on this provision and including  
34 such a finding and statement of reasons for the entire  
35 category.

36 b. (1) If the administrative rules review  
37 committee by a two-thirds vote, the governor, or the  
38 attorney general files with the administrative code  
39 editor an objection to the adoption of ~~any~~ a rule or  
40 portion of a rule pursuant to this subsection, ~~that~~ the  
41 rule or portion of the rule shall cease to be effective  
42 one hundred eighty days after the date the objection  
43 was filed. A

44 (2) If the administrative rules review committee  
45 files with the administrative code editor an objection  
46 to the adoption of a rule or portion of a rule  
47 pursuant to this subsection, the administrative rules  
48 review committee, by a separate two-thirds vote, may  
49 suspend the applicability of the rule or portion of  
50 the rule until the rule ceases to be effective under

1 this paragraph "b". The determination to suspend  
2 the applicability of the rule or portion of the rule  
3 shall be included in the copy of the objection to be  
4 forwarded to the agency.

5 c. If an objection to a rule is filed under this  
6 subsection, a copy of the objection, properly dated,  
7 shall be forwarded to the agency at the time of filing  
8 the objection. In any action contesting a rule or  
9 portion of a rule adopted pursuant to this subsection,  
10 the burden of proof shall be on the agency to show that  
11 the procedures of subsection 1 were impracticable,  
12 unnecessary, or contrary to the public interest and  
13 that, if a category of rules was involved, the category  
14 was very narrowly tailored.

15 Sec. 118. Section 17A.4, subsection 7, Code 2013,  
16 is amended to read as follows:

17 7. a. Upon the vote of two-thirds of its members  
18 the administrative rules review committee may delay the  
19 effective date of a rule or portion of a rule seventy  
20 days beyond that permitted in section 17A.5, unless the  
21 rule was promulgated under section 17A.5, subsection 2,  
22 paragraph "b". This provision shall be utilized by the  
23 committee only if further time is necessary to study  
24 and examine the rule. If the rule was promulgated  
25 under section 17A.5, subsection 2, paragraph "b",  
26 the administrative rules review committee, within  
27 thirty-five days of the effective date of the rule and  
28 upon the vote of two-thirds of its members, may suspend  
29 the applicability of the rule or portion of the rule  
30 for seventy days.

31 b. Notice of an effective date that was delayed  
32 under this provision shall be published in the Iowa  
33 administrative code and bulletin.

34 Sec. 119. Section 17A.4, Code 2013, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 9. Upon the vote of two-thirds of  
37 its members, the administrative rules review committee,  
38 following notice of intended action as provided in  
39 subsection 1 and prior to adoption of a rule pursuant  
40 to that notice, may suspend further action relating to  
41 that notice for seventy days. Notice of a notice of  
42 intended action that was suspended under this provision  
43 shall be published in the Iowa administrative code and  
44 bulletin.

45 Sec. 120. Section 17A.8, subsection 9, Code 2013,  
46 is amended to read as follows:

47 9. a. Upon a vote of two-thirds of its members,  
48 the administrative rules review committee may delay the  
49 effective date of a rule or portion of a rule until  
50 the adjournment of the next regular session of the

1 general assembly, unless the rule was promulgated under  
2 section 17A.5, subsection 2, paragraph "b". If the  
3 rule was promulgated under section 17A.5, subsection  
4 2, paragraph "b", the administrative rules review  
5 committee, within thirty-five days of the effective  
6 date of the rule and upon the vote of two-thirds of its  
7 members, may suspend the applicability of the rule or  
8 portion of the rule until the adjournment of the next  
9 regular session of the general assembly.

10 b. The committee shall refer a rule or portion  
11 of a rule whose effective date has been delayed or  
12 applicability has been suspended to the speaker of  
13 the house of representatives and the president of the  
14 senate who shall refer the delayed or suspended rule  
15 or portion of the rule to the appropriate standing  
16 committees of the general assembly. A standing  
17 committee shall review a the rule within twenty-one  
18 days after the rule is referred to the committee by  
19 the speaker of the house of representatives or the  
20 president of the senate and shall take formal committee  
21 action by sponsoring a joint resolution to disapprove  
22 the rule, by proposing legislation relating to the  
23 rule, or by refusing to propose a joint resolution  
24 or legislation concerning the rule. The standing  
25 committee shall inform the administrative rules review  
26 committee of the committee action taken concerning the  
27 rule. If the general assembly has not disapproved of  
28 the rule by a joint resolution, the rule shall become  
29 effective. The speaker of the house of representatives  
30 and the president of the senate shall notify the  
31 administrative code editor of the final disposition  
32 of each rule or portion of a rule whose effective  
33 date has been delayed or whose applicability has been  
34 suspended pursuant to this subsection. If a the  
35 rule is disapproved, it the rule shall not become be  
36 effective and the agency shall rescind the rule. This  
37 section shall not apply to rules made effective under  
38 section 17A.5, subsection 2, paragraph "b".

39 Sec. 121. Section 17A.23, Code 2013, is amended to  
40 read as follows:

41 **17A.23 Construction — delegation of authority.**

42 1. Except as expressly provided otherwise by this  
43 chapter or by another statute referring to this chapter  
44 by name, the rights created and the requirements  
45 imposed by this chapter shall be in addition to those  
46 created or imposed by every other statute in existence  
47 on July 1, 1975, or enacted after that date. If any  
48 other statute in existence on July 1, 1975, or enacted  
49 after that date diminishes a right conferred upon a  
50 person by this chapter or diminishes a requirement

1 imposed upon an agency by this chapter, this chapter  
2 shall take precedence unless the other statute  
3 expressly provides that it shall take precedence over  
4 all or some specified portion of this ~~named~~ cited  
5 chapter.

6 2. This chapter shall be construed broadly to  
7 effectuate its purposes. This chapter shall also  
8 be construed to apply to all agencies not expressly  
9 exempted by this chapter or by another statute  
10 specifically referring to this chapter by ~~name~~  
11 citation; and except as to proceedings in process on  
12 July 1, 1975, this chapter shall be construed to apply  
13 to all covered agency proceedings and all agency action  
14 not expressly exempted by this chapter or by another  
15 statute specifically referring to this chapter by ~~name~~  
16 citation.

17 3. An agency shall have only that authority or  
18 discretion delegated to or conferred upon the agency by  
19 law and shall not expand or enlarge its authority or  
20 discretion beyond the powers delegated to or conferred  
21 upon the agency. Unless otherwise specifically  
22 provided in statute, a grant of rulemaking authority  
23 shall be construed narrowly.

#### 24 DIVISION XI

#### 25 STATE EMPLOYEE AND ELECTED OFFICIAL PAYMENT OF HEALTH 26 INSURANCE PREMIUMS

27 Sec. 122. Section 2.40, subsection 1, paragraph  
28 a, subparagraph (2), Code 2013, is amended to read as  
29 follows:

30 (2) The member shall pay the premium for the  
31 plan selected on the same basis as a full-time state  
32 employee excluded from collective bargaining as  
33 provided in chapter 20. However, the member shall pay  
34 a portion of the total premium for the plan selected  
35 in an amount as determined by the legislative council.  
36 The payment amount as determined by the legislative  
37 council shall be at least twenty percent of the total  
38 premium for the single or family coverage provided  
39 in connection with the member and shall include a  
40 wellness credit to be applied to the member portion  
41 of the premium. The payment amount determined by the  
42 legislative council shall apply to employees of the  
43 general assembly.

44 Sec. 123. NEW SECTION. 8A.440 Group health  
45 insurance premium costs.

46 1. Collective bargaining agreements entered into  
47 pursuant to chapter 20 for state employees shall  
48 provide that a state employee covered by that agreement  
49 who is a member of a state group health insurance plan  
50 for employees of the state established under chapter

1 509A shall pay at least twenty percent of the total  
2 premium for the single or family coverage provided in  
3 connection with each employee. The agreements shall  
4 include a wellness credit to be applied to the member  
5 portion of the premium.

6 2. A state employee not covered by a collective  
7 bargaining agreement as provided in chapter 20 who is  
8 a member of a state group health insurance plan for  
9 employees of the state established under chapter 509A  
10 shall pay the same percentage of the total premium  
11 for such insurance as is paid under the collective  
12 bargaining agreement that covers the greatest number  
13 of state employees in the state government entity  
14 employing the state employee and shall be provided a  
15 wellness credit option.

16 Sec. 124. STATEWIDE ELECTED OFFICIALS — GROUP  
17 HEALTH INSURANCE PREMIUM COSTS. A statewide elected  
18 official who is a member of a state group insurance  
19 plan for employees of the state established under  
20 chapter 509A shall pay a portion of the total premium  
21 for the plan selected in an amount as determined by the  
22 executive council. The payment amount as determined  
23 by the executive council shall be at least 20 percent  
24 of the total premium for the single or family coverage  
25 provided in connection with the elected official and  
26 shall include a wellness credit to be applied to the  
27 member portion of the premium.

28 Sec. 125. GROUP HEALTH INSURANCE PREMIUMS FOR STATE  
29 EMPLOYEES.

30 1. a. This subsection does not apply to members  
31 of the general assembly or elected officials who are  
32 subject to the provisions of this division of this  
33 Act amending section 2.40 or requiring statewide  
34 elected officials to pay a portion of health insurance  
35 premiums.

36 b. For the fiscal year beginning July 1, 2013, each  
37 state employee who is a member of a state group health  
38 insurance plan for state employees established under  
39 chapter 509A shall pay at least 20 percent of the total  
40 premium for the single or family coverage provided  
41 in connection with the employee's membership in the  
42 insurance plan.

43 c. For the fiscal year beginning July 1, 2013,  
44 each person who is a member of a state group health  
45 insurance plan for employees of the state board of  
46 regents and the institutions under the control of the  
47 state board shall pay at least 20 percent of the total  
48 premium for the single or family coverage provided  
49 in connection with the person's membership in the  
50 insurance plan.

1 d. For the fiscal year beginning July 1, 2013, each  
2 judicial officer or employee of the judicial branch who  
3 is a member of a state group health insurance plan for  
4 state employees established under chapter 509A shall  
5 pay at least 20 percent of the total premium for the  
6 single or family coverage provided in connection with  
7 the judicial officer or employee's membership in the  
8 insurance plan.

9 e. The requirements in this subsection shall be  
10 enforceable against all applicable employees for the  
11 fiscal year beginning July 1, 2013, notwithstanding  
12 any provision of chapter 20 to the contrary, and  
13 shall remain applicable to each such state employee  
14 and person in fiscal years succeeding the fiscal year  
15 specified in this subsection until the requirement  
16 implemented pursuant to section 8A.440 is applicable  
17 to the employee or person.

18 f. The requirements in this subsection shall  
19 include a wellness credit to be applied to the member  
20 portion of the premium.

21 2. a. For the fiscal year beginning July 1, 2013,  
22 the portion of the payments made pursuant to subsection  
23 1 attributed to increases in payments as a result of  
24 the percentage requirement implemented pursuant to  
25 subsection 1 shall be transferred to the judicial  
26 branch or the state agency charged for the state group  
27 health insurance plan premiums of the judicial officer,  
28 employee, or person who made the payment and shall  
29 apply in lieu of a like amount from the appropriations  
30 made to the judicial branch or the state agency for the  
31 fiscal year.

32 b. The moneys paid by members or employees of  
33 the general assembly pursuant to section 2.40, as  
34 amended by this division of this Act, for the fiscal  
35 year beginning July 1, 2013, are appropriated to the  
36 general assembly in lieu of a like amount from the  
37 appropriations made to the general assembly pursuant to  
38 section 2.12, for the fiscal year.

39 c. The moneys paid by statewide elected officials  
40 pursuant to the section of this division of this Act  
41 requiring the officials to pay a portion of the health  
42 insurance premium costs for the coverage provided to  
43 the officials, for the fiscal year beginning July 1,  
44 2012, are appropriated to the state agency charged for  
45 the state group health insurance plan premiums of the  
46 official who made the payment in lieu of a like amount  
47 from the appropriations made to the state agency for  
48 the fiscal year.

49 3. The department of management, with the  
50 assistance of the department of administrative

1 services, state board of regents, the state fair  
2 board, the state department of transportation, and each  
3 judicial district department of correctional services,  
4 shall submit a quarterly report to the general assembly  
5 and the legislative services agency during the fiscal  
6 year beginning July 1, 2013, regarding the reductions  
7 to appropriations made pursuant to subsection 2 during  
8 the quarter.

9 Sec. 126. APPLICABILITY. The section of this  
10 division of this Act enacting section 8A.440, applies  
11 to collective bargaining agreements entered into on  
12 or after the effective date of that section of this  
13 division of this Act.

14 Sec. 127. EFFECTIVE UPON ENACTMENT. The following  
15 sections of this division of this Act, being deemed of  
16 immediate importance, take effect upon enactment:

17 1. The section of this Act enacting section 8A.440.

18 2. The section of this Act relating to group health  
19 insurance premiums for state employees.

20 DIVISION XII

21 SPEED DETECTION JAMMING DEVICES

22 Sec. 128. Section 321.232, Code 2013, is amended to  
23 read as follows:

24 **321.232 Radar Speed detection jamming devices —**  
25 **penalty.**

26 1. A person shall not sell, operate, or possess  
27 a ~~radar~~ speed detection jamming device, except as  
28 otherwise provided in this section, when the device is  
29 in a vehicle operated on the highways of this state or  
30 the device is held for sale in this state.

31 2. This section does not apply to ~~radar~~ speed  
32 measuring devices purchased by, held for purchase for,  
33 or operated by peace officers using the devices in  
34 performance of their official duties.

35 3. A ~~radar~~ speed detection jamming device sold,  
36 operated, or possessed in violation of subsection 1  
37 may be seized by a peace officer and is subject to  
38 forfeiture as provided by chapter 809 or 809A.

39 4. For the purposes of this section "~~radar jamming~~  
40 device":

41 a. "Speed detection jamming device" means any  
42 mechanism designed or used to transmit radio waves in  
43 the electromagnetic wave spectrum to interfere with the  
44 reception of those emitted from a device used by peace  
45 officers of this state to measure the speed of motor  
46 vehicles on the highways of this state and which is not  
47 designed for two-way transmission and cannot transmit  
48 in plain language active or passive device, instrument,  
49 mechanism, or equipment that is designed or intended  
50 to interfere with, disrupt, or scramble the radar or

1 laser that is used by a peace officer to measure the  
2 speed of motor vehicles. "Speed detection jamming  
3 device" does not include equipment that is legal under  
4 federal communications commission regulations, such as  
5 a citizens' band radio, a ham radio, or other similar  
6 electronic equipment.

7 b. "Speed measuring device" includes but is not  
8 limited to devices commonly known as radar speed meters  
9 or laser speed meters.

10 Sec. 129. Section 805.8A, subsection 14, paragraph  
11 g, Code 2013, is amended to read as follows:

12 g. ~~Radar-jamming~~ Speed detection jamming  
13 devices. For a violation under section 321.232, the  
14 scheduled fine is one hundred dollars.

15 DIVISION XIII

16 FIREARMS

17 Sec. 130. Section 724.23, Code 2013, is amended to  
18 read as follows:

19 724.23 Records kept by commissioner and issuing  
20 officers.

21 1. The commissioner of public safety shall maintain  
22 a permanent record of all valid permits to carry  
23 weapons and of current permit revocations.

24 2. a. Notwithstanding any other law or rule to  
25 the contrary, the commissioner of public safety and  
26 any issuing officer shall keep confidential personally  
27 identifiable information of holders of nonprofessional  
28 permits to carry weapons and permits to acquire pistols  
29 or revolvers, including but not limited to the name,  
30 social security number, date of birth, residential  
31 or business address, and driver's license or other  
32 identification number of the applicant or permit  
33 holder.

34 b. This subsection shall not prohibit the  
35 release of statistical information relating to the  
36 issuance, denial, revocation, or administration of  
37 nonprofessional permits to carry weapons and permits to  
38 acquire pistols or revolvers, provided that the release  
39 of such information does not reveal the identity of any  
40 individual permit holder.

41 c. This subsection shall not prohibit the release  
42 of information to any law enforcement agency or any  
43 employee or agent thereof when necessary for the  
44 purpose of investigating a possible violation of law  
45 or for conducting a lawfully authorized background  
46 investigation.

47 d. Except as provided in paragraphs "b" and "c",  
48 the release of any confidential information under this  
49 section shall require a court order or the consent of  
50 the person whose personally identifiable information is

1 the subject of the information request.

2 Sec. 131. NEW SECTION. 724.29A **Fraudulent purchase**  
3 **of firearms or ammunition.**

4 1. For purposes of this section:

5 a. "*Ammunition*" means any cartridge, shell, or  
6 projectile designed for use in a firearm.

7 b. "*Licensed firearms dealer*" means a person who is  
8 licensed pursuant to 18 U.S.C. § 923 to engage in the  
9 business of dealing in firearms.

10 c. "*Materially false information*" means information  
11 that portrays an illegal transaction as legal or a  
12 legal transaction as illegal.

13 d. "*Private seller*" means a person who sells or  
14 offers for sale any firearm or ammunition.

15 2. A person who knowingly solicits, persuades,  
16 encourages, or entices a licensed firearms dealer or  
17 private seller of firearms or ammunition to transfer  
18 a firearm or ammunition under circumstances that the  
19 person knows would violate the laws of this state or of  
20 the United States commits a class "D" felony.

21 3. A person who knowingly provides materially  
22 false information to a licensed firearms dealer or  
23 private seller of firearms or ammunition with the  
24 intent to deceive the firearms dealer or seller about  
25 the legality of a transfer of a firearm or ammunition  
26 commits a class "D" felony.

27 4. Any person who willfully procures another to  
28 engage in conduct prohibited by this section shall be  
29 held accountable as a principal.

30 5. This section shall not apply to a law  
31 enforcement officer acting in the officer's official  
32 capacity or to a person acting at the direction of such  
33 law enforcement officer.

34 Sec. 132. EFFECTIVE UPON ENACTMENT. This division  
35 of this Act, being deemed of immediate importance,  
36 takes effect upon enactment.

37 Sec. 133. APPLICABILITY. The section of this  
38 division of this Act amending section 724.23 applies  
39 to holders of nonprofessional permits to carry weapons  
40 and permits to acquire pistols or revolvers and to  
41 applicants for nonprofessional permits to carry weapons  
42 and permits to acquire pistols or revolvers on or after  
43 the effective date of this division of this Act.

44 DIVISION XIV

45 NOTARY PUBLIC

46 Sec. 134. Section 9B.15, subsection 3, unnumbered  
47 paragraph 1, Code 2013, is amended to read as follows:

48 A certificate of a notarial act is sufficient if it  
49 meets the requirements of subsections 1 and 2 and ~~all~~  
50 any of the following apply:

1 Sec. 135. Section 9B.17, subsection 1, paragraph a,  
2 Code 2013, is amended to read as follows:

3 a. Include the notary public's name, the words  
4 "Notarial Seal" and "Iowa", the words "Commission  
5 Number" followed by a number assigned to the notary  
6 public by the secretary of state, the words "My  
7 Commission Expires" followed either by the date that  
8 the notary public's term would ordinarily expire as  
9 provided in section 9B.21 or a blank line on which the  
10 notary public shall indicate the date of expiration,  
11 if any, of the notary public's commission, as required  
12 by and in satisfaction of section 9B.15, subsection 1,  
13 paragraph "e", and other information required by the  
14 secretary of state.

15 Sec. 136. Section 321I.31, subsection 3, Code 2013,  
16 is amended to read as follows:

17 3. An owner of an all-terrain vehicle shall apply  
18 to the county recorder for issuance of a certificate  
19 of title within thirty days after acquisition.  
20 The application shall be on forms the department  
21 prescribes and accompanied by the required fee. The  
22 application shall be signed and sworn to before a  
23 ~~notary public~~ notarial officer as provided in chapter  
24 9B or other person who administers oaths, or shall  
25 include a certification signed in writing containing  
26 substantially the representation that statements made  
27 are true and correct to the best of the applicant's  
28 knowledge, information, and belief, under penalty of  
29 perjury. The application shall contain the date of  
30 sale and gross price of the all-terrain vehicle or  
31 the fair market value if no sale immediately preceded  
32 the transfer and any additional information the  
33 department requires. If the application is made for  
34 an all-terrain vehicle last previously registered  
35 or titled in another state or foreign country, the  
36 application shall contain this information and any  
37 other information the department requires.

38 Sec. 137. Section 462A.77, subsection 4, Code 2013,  
39 is amended to read as follows:

40 4. Every owner of a vessel subject to titling  
41 under this chapter shall apply to the county recorder  
42 for issuance of a certificate of title for the vessel  
43 within thirty days after acquisition. The application  
44 shall be on forms the department prescribes, and  
45 accompanied by the required fee. The application shall  
46 be signed and sworn to before a ~~notary public~~ notarial  
47 officer as provided in chapter 9B or other person who  
48 administers oaths, or shall include a certification  
49 signed in writing containing substantially the  
50 representation that statements made are true and

1 correct to the best of the applicant's knowledge,  
2 information, and belief, under penalty of perjury.  
3 The application shall contain the date of sale and  
4 gross price of the vessel or the fair market value  
5 if no sale immediately preceded the transfer, and any  
6 additional information the department requires. If  
7 the application is made for a vessel last previously  
8 registered or titled in another state or foreign  
9 country, it shall contain this information and any  
10 other information the department requires.

11 Sec. 138. Section 554.3505, subsection 2, Code  
12 2013, is amended to read as follows:

13 2. A protest is a certificate of dishonor made by a  
14 United States consul or vice consul, or a ~~notary public~~  
15 notarial officer as provided in chapter 9B or other  
16 person authorized to administer oaths by the law of  
17 the place where dishonor occurs. It may be made upon  
18 information satisfactory to that person. The protest  
19 must identify the instrument and certify either that  
20 presentment has been made or, if not made, the reason  
21 why it was not made, and that the instrument has been  
22 dishonored by nonacceptance or nonpayment. The protest  
23 may also certify that notice of dishonor has been given  
24 to some or all parties.

25 Sec. 139. Section 589.4, Code 2013, is amended to  
26 read as follows:

27 **589.4 Acknowledgments by corporation officers.**

28 The acknowledgments of all deeds, mortgages, or  
29 other instruments in writing taken or certified more  
30 than ten years earlier, which instruments have been  
31 recorded in the recorder's office of any county of this  
32 state, including acknowledgments of instruments made by  
33 a corporation, or to which the corporation was a party,  
34 or under which the corporation was a beneficiary,  
35 and which have been acknowledged before or certified  
36 by a ~~notary public~~ notarial officer as provided in  
37 chapter 9B who was at the time of the acknowledgment or  
38 certifying a stockholder or officer in the corporation,  
39 are legal and valid official acts of the notaries  
40 public, and entitle the instruments to be recorded,  
41 anything in the laws of the state of Iowa in regard to  
42 acknowledgments to the contrary notwithstanding. This  
43 section does not affect pending litigation.

44 Sec. 140. Section 589.5, Code 2013, is amended to  
45 read as follows:

46 **589.5 Acknowledgments by stockholders.**

47 All deeds and conveyances of lands within this  
48 state executed more than ten years earlier, but  
49 which have been acknowledged or proved according  
50 to and in compliance with the laws of this state

1 before a ~~notary public~~ notarial officer as provided  
2 in chapter 9B or other official authorized by law  
3 to take acknowledgments who was, at the time of  
4 the acknowledgment, an officer or stockholder of a  
5 corporation interested in the deed or conveyance, or  
6 otherwise interested in the deeds or conveyances, are,  
7 if otherwise valid, valid in law as though acknowledged  
8 or proved before an officer not interested in the  
9 deeds or conveyances; and if recorded more than ten  
10 years earlier, in the respective counties in which  
11 the lands are, the records are valid in law as though  
12 the deeds and conveyances, so acknowledged or proved  
13 and recorded, had, prior to being recorded, been  
14 acknowledged or proved before an officer having no  
15 interest in the deeds or conveyances.

16 Sec. 141. Section 622.86, Code 2013, is amended to  
17 read as follows:

18 **622.86 Foreign affidavits.**

19 Those taken out of the state before any judge or  
20 clerk of a court of record, or before a ~~notary public~~  
21 notarial officer as provided in chapter 9B, or a  
22 commissioner appointed by the governor of this state to  
23 take acknowledgment of deeds in the state where such  
24 affidavit is taken, are of the same credibility as if  
25 taken within the state.

26 DIVISION XV

27 FINANCIAL LITERACY

28 Sec. 142. FINANCIAL LITERACY PROGRAM. There is  
29 transferred from the general fund of the state to the  
30 banking division within the department of commerce for  
31 the fiscal year beginning July 1, 2013, and ending June  
32 30, 2014, the following amount, or so much thereof as  
33 is necessary, for the purposes designated:

34 For deposit in the banking division financial  
35 literacy fund created in section 524.107A to support  
36 financial literacy education as determined by the  
37 banking division through a bank, bank holding company,  
38 savings bank, or savings and loan association organized  
39 under the law of this state, another state, or the  
40 United States:

41 ..... \$ 50,000

42 Sec. 143. NEW SECTION. **524.107A Financial literacy**  
43 **fund.**

44 A financial literacy fund is created in the state  
45 treasury under the authority of the superintendent.  
46 Moneys credited to the fund for a fiscal year are  
47 appropriated to the banking division to be used for  
48 financial literacy program activities. Notwithstanding  
49 section 8.33, moneys credited to the fund that remain  
50 unencumbered or unobligated at the close of the fiscal

1 year shall not revert but shall remain available for  
2 expenditure for the purposes designated until the close  
3 of the succeeding fiscal year. Notwithstanding section  
4 12C.7, subsection 2, interest or earnings on moneys  
5 deposited in the fund shall be credited to the fund.>  
6 2. Title page, line 2, after <fees,> by inserting  
7 <and penalties, providing for matters relating to  
8 taxation,>  
9 3. By renumbering as necessary.

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COMMITTEE ON APPROPRIATIONS  
SODERBERG of Plymouth, Chairperson